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A Perspective View of the BRIDGE and REGISTER-OFFICE Edinburgh

THE
H I S T O R Y
O F
E D I N B U R G H.

B Y
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P R E F A C E.

WHEN I formed the resolution of writing a history of Edinburgh, I intended to have composed a work on a limited scale. But the discovery of various materials which tended to illustrate the state of manners, and to throw a new light on certain publick transactions, induced me to enlarge my plan.

The affairs of a kingdom, and of its capital, are so closely interwoven, that, in a history of the latter, to connect or separate with propriety their respective affairs, requires nice discernment. In admitting or rejecting from this work a detail of national occurrences, I have been influenced by a joint consideration of their connection with the capital, of their intrinsic importance, and of their having been faintly described by former writers, or exhibited in a point of view inconsistent with historical justice.

I have had to search into most of the publick records in Scotland. Whether the materials I have discovered be equal to the labour of my researches, is not for me to determine. I have had to travel through the prolix jargon of polemical writers. It may, perhaps, be superfluous to add, that a history which describes, without reserve, the enormities of different parties in a nation where contending factions, inflamed by bigotry, have mutually tyrannized over, or rebelled against each other, will afford to all parties ample occasion for remark. With respect to

the odium I may incur on this account, I must console myself by reflecting, that a person who has not set his mind above being affected by the calumnies of faction, is utterly unqualified for the duties of an historian.

It has afforded me great satisfaction in the course of this work, that I have received, on all hands, the most chearful and liberal assistance. The Town-council of Edinburgh, and the keepers of all the public records, have given me the most ready access to their repositories. And, in the different offices for collecting the public revenue, the most ready information has been afforded me. Principal Watson of St Salvadore's, and Professor Brown of St Mary's colleges St Andrews, as well as Principal Chalmers, and the Professors of King's college Aberdeen, have, in the most obliging manner, communicated to me such of their records as could be serviceable to this undertaking. And the professors in the university of Edinburgh have lent me every requisite assistance.

I have been laid under no less obligations to individuals. In my search for materials, Sir David Dalrymple pointed out to me those paths which he himself has so accurately traced. To John Davidson, Esq; writer to the signet, I am indebted for the communication of antient records and curious manuscripts, preserved in the archives of great and noble families. He enhanced the favour by an explanation of many barbarous phrases in those papers, which to me were unintelligible. To William Tytler, Esq; writer to the signet, I owe particular obligations. Let me not omit to acknowledge the polite and friendly attention with which DAVID GARRICK, Esq; communicated to me some curious and valuable manuscripts.—Alas! I little thought that this was to be a tribute to his memory only.

EDINBURGH, MARCH 1.

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OF

EDINBURGH.

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tests against her Marriage with Bothwell—She is brought Captive to Edinburgh—Castle besieged and taken—Earl of Morton—Violence of the Clergy, and their Influence—Fly from Edinburgh, but return—King effectuates a Reconciliation among the Nobles—New Quarrels between the King and Clergy, who excite the People to Tumult—The King assaulted—Escapes, and departs from Edinburgh—Measures of the Clergy—King returns—City convicted of High Treason, but restored—The King departs for England.

THE origin of nations, of cities, and of families, is commonly enveloped in obscurity. Fable is called to assist vanity; and the memory of their real foundations being lost, it affects to deduce their origin from remote antiquity. But, if they have sprung up in rude ages, when the use of letters was unknown, and far less public archives were established, their primary institution will be shaded with a deep mist, through which tradition, etymology, and conjecture, can dart but a faint and uncertain glimmering.

To these disadvantages a variety of circumstances may be added, which have tended to involve the history of Edinburgh, during its early periods, in peculiar obscurity. Situated in one of the six Roman provinces established in this island, named Valentia *†, and in the Pictish ‡ territories, which were finally conquered from them by the Scots under Kenneth II. ||, it was the scene of perpetual incursions, devastations, and bloodshed: Still more so in the wars between

* The province of Valentia comprehended the space lying within the wall of Hadrian on the south, erected between Newcastle and Carlisle, and that of Antoninus on the north, erected between Carriden on the Forth, precisely in the middle between Borrowstownness and Blackness castle, and Dunglass on the river Clyde; Whitaker, v. 1. p. 55. and 63.; Scott's hist. of Scotland, p. 37. and 41.; Horfeley's Britannia Romana, p. 50. and 51. and p. 158. fig. 1. p. 176. fig. 1.

† Whitaker's hist. of Manchester, vol. 1. p. 63. vol. 2. p. 54.
1. fol. 12.

|| Forduni Scoti-chronicon, lib. 2. cap. 4.

‡ Boetius, lib.

between the Scots and English, the latter of whom, under the auspices of Edward I.*, with malicious policy, destroyed all the public records of this country. The traces of its history, therefore, in those remote periods, must be faint and uncertain, and, to investigate them, a matter rather curious than important.

The most antient name that we find applied to Edinburgh castle is *Castell Mynydd Agned*†, importing, in the language of the antient Britons, ‘the fortress of the Hill of Agnes;’ and the hill itself, *Mynydd Agned Cathre-gonion*, i. e. ‘the Hill Agned nigh the fortress.’ From this it may be plainly inferred, either that Edinburgh castle was built during the Christian aera; or, if previous to it, that its antient name was resigned, and a new one adopted in honour of Saint Agnes. In an after age, the castle was distinguished by the appellation of *Castrum Puellarum*‡, because the daughters of the Pictish Kings and chiefs were educated and kept till their marriage in that place of strength, a necessary safeguard in such barbarous times, and the town obtained the name of EDINBURGH. Various etymologies of the name have been given, some of them absurd, and most of them unsatisfactory. It is said to have derived its name from *Eth* ||, a King of the Picts; but that such a person ever existed, is uncertain. Others § have attributed the name to *Edwin*, a Saxon prince of Northumbria, who began his reign ** A.D. 617, and over-ran great part of the Pictish territories; and others have derived its name from two Gaelic words, *Dun Edin* ††, signifying ‘the face of a hill.’ To which, or whether to any of these etymologies its name should be attributed, we will not determine: But it appears evident that Edinburgh castle cannot boast an origin from much more remote antiquity,

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* Hume's hist. of England, vol. 2. p. 293.; Robertson's hist. of Scotland, v. i. p. 4.

† Boetius, lib. 1. t. 12.; Leslie de reb. gest. Scot. lib. 2. t. 84.; Whitaker, vol. 2. p. 54.

‡ Fordun, lib. 5. c. 26.; Boetius, lib. 1. F. 12. || Boetius, ut supra.

§ Maitland, lib. 1. p. 6.

** Whitaker, v. 2. p. 83. and 94.

†† Buchanan

hist. Scot. lib. 6. § 2.

quity, as the celebrated Arthur * King of the Britons fought a battle on its present site in the end of the fifth century.

Nov. 16.
1093.

The first historical fact which is preserved concerning this fortress is, that Queen Margaret †, the widow of Malcolm Canmore, died in the castle, a few days after her husband was slain: That Donald Bane, uncle to Malcolm's children, having usurped the throne, besieged the castle in which the heir to the crown resided. The usurper presuming, ‡ from the steepness of the rock, that Malcolm's children could escape only at the gates, ordered them alone to be guarded. But those in the garrison knowing this, conveyed the body of the Queen through a postern gate on the west side of the castle, to the church of Dunfermline, where it lies interred: And the children escaped to England, where they were protected and educated by their uncle Edgar Atheling.

1128. But the first distinct traces that are to be found concerning the city of Edinburgh, are contained in a charter || granted by David I. in favour of certain canons regular, for whom he founded the Abbey of Holyroodhouse. From this charter, it appears, that, previous to its date, Edinburgh had been erected into a royal borough, as it is there styled, "Burgo meo de Edwinesburg." It appears further, that Edinburgh had, by this time, been a place of some consideration, as forty shillings yearly were payable to this church out of the revenues arising to the King from his borough of Edinburgh; and forty-eight shillings more out of the same, upon failure of certain duties payable to it, from the King's revenues, arising from the duties on shipping at the town of Perth: As also, from the grant therein made to them, of "one half of the tallow, lard, and hides of the beasts killed in Edinburgh." By the extensive grants in this charter to the canons of this abbey, they got liberty to erect a borough § between

* Whitaker, v. 2. p. 54. and 58. † Fordun lib. 5. c. 26. ‡ Dalrymple's Annals, p. 25. || City Cartulary of Edinburgh, vol. 4. box 6. bundle 1. No 1.

§ Maitland, in lib. 2. p. 146, has mistaken the barbarous phrase in this charter, *Herbergare quoddam*

tween the church of Holyroodhouse and the town of Edinburgh; and a jurisdiction was granted them, with powers of trial *by duel, and by fire and water ordeal*. It also appears, that the *parish church* of St Cuthbert's had, previous to this, been erected, with considerable endowments; particularly, the tithes of several fisheries; that there were two chapels belonging to this church, viz. those of Corsterphin and Libbertoun; and that this chapel of Libbertoun had been instituted before the usurpation of Macbeth, whose donations in its favour are confirmed in this charter.

At this time Edinburgh castle was surrendered to the English, on 1174. an occasion the most disgraceful that occurs in Scottish annals. King William I. known by the appellation of William the Lion, having in vain solicited †, from Henry II. of England, restitution of part of Northumberland, which was withheld from him, made hostile incursions into the English territories, and was taken prisoner in the neighbourhood of Alnwick ‡. The Scots, impatient at the captivity of the King, purchased his freedom, by surrendering the independency || of the nation §. Many hostages, and some of the chief garrisons in Scotland, and among these the castle of Edinburgh, were delivered as pledges for the performance of this dishonourable treaty. But, upon William's marriage with Ermengarde, cousin to King Henry, Edinburgh castle was restored and given in dower to the Queen.

In the reign of Alexander II. ** the son and successor of William, Edinburgh was distinguished, by the parliament having, for the first time, been held in this city; and also, by a provincial synod †† ha- 1215. ving

quoddam burgum, for the proper name of the *Canongate*; but, in the uncouth phraseology of the times, it signified 'to inhabit a certain borough;' Dalrymple's annals, p. 97.

† Dalrymple's annals, p. 113. ‡ Ibid. p. 114. Fordun, lib. 8. c. 22.

|| Dalrymple's annals, p. 117 and 130; Fordun, lib. 8. c. 24.; Leland's collectanea, lib. 2. p. 533. § King Richard I. restored Scotland to its independency Anno Dom.

1186, for 10,000 merks Sterling; Dalrymple's annals, p. 131. 133. ** Fordun, lib. 9.

c. 27. †† Dalrymple's annals, p. 155.

- ving been held in it by Cardinal l'Aleran, legate from Pope Gregory IX. His son, Alexander III. was betrothed* to the daughter of Henry III. of England; and the young Queen had Edinburgh castle appointed for her residence. But she was by no means satisfied with her lot. She complained that 'she was confined to the castle of Edinburgh, a sad and solitary place, without verdure; and that she was excluded from all conjugal intercourse with her husband, who had, by this time, compleated his fourteenth year.'
1239. Upon the death of the Maid † of Norway, grandchild to Alexander III. the contested succession to the crown, by Bruce and Balliol, opened to Edward I. an opportunity of advancing his claim to the superiority of Scotland. A claim founded on injustice, and prosecuted with cruelty, and which involved Scotland in calamities still felt, by the obscurity thrown upon its annals by the barbarous ravages and malicious policy of Edward. In the course of his wars, which terminated in the submission of Scotland ‡, Edinburgh castle
1255. was besieged and taken. It remained in possession of the English for twenty years, and was then recovered by Sir Thomas Randolph || Earl of Moray, afterwards governor of Scotland in the minority of David II. King Robert ordered Edinburgh castle to be demolished; and he did the same to the other fortresses which he recovered from the English, lest they should again become receptacles for their protection, upon their future incursions into this country.
1290. In supporting Edward Balliol's pretensions to the crown, and of his own to the superiority of Scotland, Edward III. invaded the kingdom with a powerful fleet and army. The fleet sailed up the Forth, and the towns on both sides of the river were plundered § and
1296. and
- 1313.

* Dalrymple's annals, p. 163. and 166. † Dalrymple's annals, p. 195. and 199.; Hume's history, vol. 2. p. 254. ‡ Dalrymple's annals, p. 240.; Hume's history, vol. 2. p. 292. || Fordun. lib. 12. c. 19. § Fordun, lib. 13. c. 34. Holinshed's history of Scotland, p. 235.

and burnt. The Scots did not venture to oppose the formidable host of Edward, but prudently withdrew with their goods and cattle to their inaccessible mountains. After a campaign, attended neither with glory nor advantage to Edward, but productive of much distress to the Scots, he retreated * to England. He was no sooner gone than the Scots renewed their insurrections against the delegated monarch, imposed upon them by a foreign power. Edward returned with a great army, and went to Perth, where he expected the assistance † of the Earl of Athole. While he there lay encamped, Guy Count of Namure, (called erroneously by the Scottish writers, Duke of Guelders), came with a large body of foreigners to the assistance of Edward. He proposed passing through Edinburgh, in his intended route to Perth. But the Earl of Moray, the governor, encountered his forces on the Borough-muir, in the neighbourhood of that city. The conflict was sharp, and the Scots army well nigh overpowered, when a reinforcement, collected by William de Douglas, came to its assistance. The Count of Namure's forces gave way. They retreated to Edinburgh in order of battle, fighting gallantly, and hotly pressed by the Earl of Moray. Part of them were driven through the spot where Bristo-port now stands, and, flying down the street presently known by the name of Candlemaker-row, made the best of their way to the rock, where ‡ the castle then lay in ruins. The rest fled through St Mary's wynd. They were encountered in that narrow lane by Sir David de Anand, a gallant Scottish knight, and suffered great slaughter. Those who escaped joined their companions on the rocks of the castle. They killed their horses, and, with their carcases, piled up a sort of rampart, to defend them from the attacks of the Scots army, who there, as it were, besieged them. But, being destitute of provisions and lodging, as well

* Hume's history, vol. 2. p. 401. † Fordun, lib. 13. c. 35.; Holinshed's history of Scotland, p. 235. Leland's collectanea, vol. 2. p. 555. ‡ Leland's collectanea, vol. 2. p. 555. Fordun, lib. 13. c. 35. Holinshed's history of Scotland, p. 236.

well as exhausted with the fatigues of battle, on the next morning they surrendered, requiring no other stipulation, than that they should not be put to the sword. The Earl of Moray allowed them to depart, exacting their promise that they should never more bear weapon against David Bruce. And, with a courtesy which reflects on the Earl still more honour than his conduct in the field, he not only permitted the Count of Namure to depart with his effects, but accompanied him to the borders in person, and resolved to see him safe out of the Scottish territories. The governor*, however, was but indifferently rewarded for his complaisance; for, on the borders, after parting with the Count of Namure, he fell into an ambush laid by the English, and was carried prisoner to Edward.

Upon his return from Perth, Edward visited Edinburgh in his way to England. He rebuilt the castle †, and put a strong garrison in it. However, it remained but a short time in possession of the English; for it was recovered by stratagem, by four gentlemen, among whom was William de Douglas, the same who had contributed to the victory obtained by the Scots in the Borough-muir. One of them feigned himself to be an English merchant; he went to the governour of the castle ‡, and told him, that he had got a cargo of wine, strong beer, and biscuit, *exquisitely spiced*, in his vessel just arrived in the Forth; which provisions he wished the Governour would buy from him. He produced, as a specimen, a bottle of the wine, and another of the beer. The governour relished the liquors, they agreed about the price, and this pretended merchant was to deliver the provisions next morning early, that he might not be intercepted by the Scots. He came accordingly at the time appointed, attended by a dozen of armed followers, disguised in the habit of sailors, and the gates were open for their reception. Upon entering the castle they contrived to overturn the carriage,

1341.

April 17.

* Vide ut supra. † Leland's collect. v. 2. p. 555. ‡ Fordun, lib. 13. c. 47.; Boetius, p. 334; Holinshed's hist. of Scot. p. 239.

carriage, upon which the provisions were supposed to be heaped, and instantly killed the porter and sentries. Upon the sound of a horn, the appointed signal, Douglas, with a band of armed men, sprung from their concealments in the neighbourhood, and rushed into the castle; where, having joined their companions, the garrison, after a sharp conflict, were mostly put to the sword, and the fortress recovered by the Scots. About this time also, the English were entirely driven out of Scotland. 1341.

The hostile incursions of the English being suspended, Edinburgh grew into more consideration. King Robert I. had already bestowed on the burghesses, his borough of Edinburgh *, with the harbour and milns of Leith. His great grandson, John Earl of Carrick, who afterwards, when he mounted the throne †, assumed the name of Robert III. from a superstitious notion, that the name of *John* was unfortunate to monarchs, conferred on the whole burghesses of Edinburgh, the singular privilege of building houses ‡ to themselves within the castle, and of free access to the same, without being subject to fees to the constable, under no other limitation, than that they should be persons of good fame. No reason whatever, inductive to the grant, is assigned. The Kings || of Scotland had their usual residence in Edinburgh; parliaments were frequently held in it; and, being considered as the capital of the kingdom, the infamous traitors who murdered King James I §. at Perth, were brought to Edinburgh, where they suffered the just and terrible punishment of their treason. 1329. May 28. 1385. July 4. 1437.

B

James

* Inventory to the city cartulary, v. i. p. 1.

† Scott's hist. p. 218.

‡ Inventory to the city cart. v. i. p. 12.

|| Scott's hist. p. 210. 220.; Acts of Scottish parliament, A. D. 1436. 1437.

§ Boetius, f. 367.; Drummond's hist. of the James's, p. 17. A circumstance concerning this murder deserves to be noticed. It happened in the Abbey of Dominicans in a bed-chamber, off a gallery. The traitors having got into the gallery, and their plot being discovered, a Lady missing the bar of the bed-chamber door, supplied its place, by thrusting her arm into the vacancy which should have received the bar. Shall

James II. his son and successor, *was crowned at the palace of Holyroodhouse*. Being but seven years of age, Sir Thomas Livingstone was appointed Regent, and the custody of the royal person entrusted to Sir William Crichton the Chancellor. A quarrel happening between those great officers, the King was kept a sort of prisoner in Edinburgh castle, the place allotted for his residence. But the Queen Dowager, who favoured the Regent's party, resolved to add lustre to his cause, by possession of the royal person. She paid a
 1438. visit to her son, affected to show great respect to the Chancellor, declared an intention not to interfere in matters of state, and that the sole purpose of her visit was to indulge maternal affection towards her son, and to season his mind with wholesome and pious advices. The unsuspecting Chancellor believed her; she pretended to undertake a pilgrimage to a church in East Lothian; and having obtained leave to carry out her effects, the young King, who had consented to her plot, was carried out of the castle in a trunk, early in a morning, when his attendants supposed him asleep. He was put on board a ship in Leith harbour, and that same night reached Stirling, where the Queen and the Regent rejoiced over the Chancellor's credulity, and the success of their contrivance.

They did not long enjoy the fruits of their ingenuity; for the Chancellor

we infer from this, that the arts in this country were then so rude, that locks and iron bolts were not known; and that no other method was then used for securing the inner apartments of the principal houses in the kingdom, than by large wooden bars, such as are used in barns at this day? We apprehend we hardly can; for it is incredible, that a people possessing their knowledge in the art of masonry, and many others, particularly that of making weapons of attack and defence, and of cutting seals with much art, could be ignorant of the method of making locks. Besides, King James III. in a charter only 40 years after that, (3d October 1477) expressly mentions *Cutlers and Lockmakers*. Scott's hist. p. 233; Drummond's hist. p. 15.; Scott's hist. p. 235.

The seal appended to the above mentioned charter, granted by John Earl of Carrick, would, we apprehend, do honour to a modern artist.

Chancellor recovered possession of the King by stratagem. He knew that the King hunted very frequently in the woods near Stirling; 1493. he collected a body of men, when the Regent was at a distance, and, with his followers, placed himself* in these woods in ambush. The King enjoying the chase, fell into the snare, and was with much courtesy conducted by the Chancellor to Edinburgh castle. Thither the Regent followed him; they held a conference in St Giles's church, and were induced to a reconciliation, by their dread of the 1440. Earl of Douglas, whose exorbitant power was employed in exerting and encouraging the most outrageous oppression over the country. The executive power of the state was unable to inflict upon the Earl the punishment due to his crimes. The Chancellor, with the most insinuating semblance of respect and friendship, decoyed him into the castle, where the Regent had also come to divide the guilt and odium of the murder they meant to perpetrate. Lord Douglas was treated with such distinguishing marks of honour as courtiers pay to those whom they have devoted to destruction. As he sat at table with the King †, towards the end of the banquet, a bull's head was set before him. He understood the fatal symbol, Nov. 24. and sprung from the table; but he, and his brother who was with him, were instantly seized by armed men, and, notwithstanding the tears and entreaties of the young King, they were dragged to the outer court of the castle, and there murdered ‡.

The conduct of the city of Edinburgh, towards Henry VI. 1461. the unfortunate and exiled King of England, at this time received the most ample testimonial for humanity and politeness; namely, a grant by King Henry, setting forth the humane and honourable 1463. treatment he had received from the provost, ministers, and burgessees Jan. 2. of

* Scott's hist. p. 237.; Drummond's hist. p. 21. † Holinshed's hist. of Scot. p. 270.; Scott's hist. p. 240.; Drummond's hist. p. 23.

‡ In the year 1753, some workmen digging for a foundation to a new store-house within the castle, found some golden handles and plates for a coffin, which are supposed to have belonged to the coffin in which the Earl of Douglas was interred.

of Edinburgh, during his long residence there, after having * been expelled from England by his rebellious subjects; and therefore granting to the citizens of Edinburgh liberty to trade in all his ports of England, subject to no other duties than those payable by his citizens of London. This testimonial, however, was more honourable than advantageous; for, as Henry never regained the throne, the grant was never confirmed.

Their behaviour to their own sovereign was no less meritorious. The weak councils and suspicious temper of James III. his passion for favourites, and the turbulence of his nobles, involved the nation
 1476. in tumults and bloodshed. The King's youngest brother John fell a victim to his suspicion. The Duke of Albany escaped his brother's † fate by timely flight. He afterwards returned in a hostile manner, accompanying the Duke of Gloucester, afterwards Richard III. who led a powerful army into Scotland. Gloucester encamped
 1482. his army at Restalrig. He advanced to Edinburgh, and required King James, who was confined in the castle by his own subjects, to perform his stipulations to England. At the Duke of Albany's request he spared the citizens from being pillaged; and his approach to Edinburgh resembled a triumphal entry rather than a hostile invasion. Peace being established, the Duke of Gloucester returned to London; and a contract of marriage having been agreed upon between a daughter of Edward IV. of England and the Duke of Rothsay, afterwards James IV. the citizens of Edinburgh became bound to repay to Edward the dowry he gave in contemplation of the marriage. And, as the marriage ‡ failed, the citizens fulfilled their obligation by paying the money punctually. The Duke of Albany having returned to his allegiance, and being urged by the eager solicitations of James's Queen, resolved to effectuate his delivery from Edinburgh castle ||, where he had been nine months
 confined.

* Council reg. v. 37. p. 323.

276.

† Drummond's hist. p. 51.; Baker's chronicle, p. 216.

Scott's hist. p. 277.

‡ Drummond's hist. p. 50.; Scott's hist. p. 273.

|| Ibid. p. 52.

confined. The citizens, who had uniformly adhered to the royal 1482. cause, seconded his attempt. The castle was surpris'd, and the King released. He was not unmindful of the obligation; for he executed an ample * grant in favour of the provost, council, and community of Edinburgh, setting forth the services they had done him, Nov. 16. and therefore granting to the provost the office of hereditary sheriff within the city, with ample jurisdiction, and all the fines and escheats arising from the office. He also granted to the council powers to make statutes and by-laws for the good government of the borough, an exemption from certain duties, and a right to exact custom upon several species of merchandise at the port of Leith. The only *reddendum* prestable by the council for those ample privileges, was the annual celebration of a funeral mass in St Giles's church for the King's soul, and those of his progenitors and successors.

The citizens of Edinburgh suffered their share in the calamity in which the unfortunate expedition against the English, undertaken by James IV. involved all Scotland. They laboured † at once under 1513. the great scourges of mankind, war and pestilence. The King, from a romantic notion of honour, resolved to make an hostile invasion upon England; nor could the tears and intreaties of his Queen and his people prevent him from rushing to destruction. He assembled his army in the Borough-muir. The Earl of Angus provost, and all the magistrates, with a number of the citizens, joined the army. They appointed *George of Tours* to officiate for the provost, and four other persons to discharge the office of bailies, till Aug. 19. their return; giving them 'full jurisdiction, in their absence, to do justice, make statutes needful for the common weal, and punish trespasses.' And ordering them 'to make an sufficient watch for keeping of the town, by the persons that happen to remain at home, *the quarter of them ilk night.*' The army marched on or after the 19th of August; they entered ‡ England on the 22d; and the

* Inventory to the city cart. v. 1. p. 33. † Council register, v. i. p. 4.

‡ Ibid. v. 1. p. 4. 5.; Drummond's hist. p. 74; Scott's hist. p. 304. 308.; Sir David Dalrymple's remarks, p. 150.

1513. the news of their fatal overthrow, in the field of Flowden, reached
 Sept. 10. Edinburgh on the day after the battle, and overwhelmed the inhabitants with grief and confusion. The streets were crowded with women, seeking intelligence about their friends, clamouring and weeping. Those who officiated in absence of the magistrates, proved themselves worthy of the trust. They issued a proclamation, ordering all the inhabitants to assemble in military array for defence of the city, on the tolling of the bell; and commanding, ‘that all
 ‘women, and especially vagabonds, do repair to their work, and
 ‘be not seen upon the street *clamouring and crying*; and that women of the better sort do repair to the church, and offer up their
 ‘prayers at the stated hours, for our sovereign Lord, and his army,
 ‘and the townsmen who are with the army.’ The council ordained
 1514. a guard, consisting of twenty-four men, to be levied for the defence of the city*; and L. 500 Scots to be raised, and applied to fortifying the town, and purchasing artillery to resist the enemy. A peace with England freed the † inhabitants of Edinburgh from their apprehensions of the city’s being attacked; but the plague still continued to rage ‡ with violence, and the magistrates found it necessary to order several houses, where infected persons dwelt, to be pulled down.

During the minority of James V. the nobles were extremely turbulent, and none more so than the Earls of Angus and Arran. Their unruly behaviour induced the Duke of Albany Regent, to pronounce an edict, prohibiting || any of the name of Douglas or Hamilton to be chosen Provost of Edinburgh. Notwithstanding this order,
 Feb. 20 1519. and the sentiments of the citizens themselves, which were averse to the Earl of Arran, that Lord thought proper to interfere in the election of Provost. The citizens shut their gates against him; a scuffle ensued; one § of the deacons was killed by the Hamilton party,
 1520. and

* Council register, p. 5. † Hume’s hist. vol. 3. p. 467. ‡ Council register, v. 1. p. 12. || Council reg. v. 1. Feb. 20. 1519. § Drummond’s history, p. 88. Scot’s history, p. 320.

and the minds of the inhabitants totally alienated from the Earl of Arran. A dispute having, about the same time, arisen between the Earl of Rothes and Lord Lindefay, they attacked each other with tumultuary arms, on the high-street of Edinburgh; nor could they be separated, till they were both made prisoners, the one committed to the castle of Dunbar, and the other to that of Dumbarton.

The national animosities between the Scots and English kindling frequently into action, the council * voluntarily offered to furnish the King with three hundred men at arms, 'against his *antient enemies of England*, when his Grace should require them.' But the aera now approached, when religious zeal extinguished the dutiful, yet spirited behaviour of Edinburgh, and when motives, far distant from loyalty, called forth its citizens to arms, we mean that of the reformation, an event in itself so remarkable and important, and attended with such material consequences to the city of Edinburgh, that a short inquiry into the causes of its rise and progress, will not, we hope, be considered as impertinent.

1532.
Sept. 19th

The sentiments of devotion are deeply impressed on the mind of man. He is incited by love, gratitude, and awe, to the exercise of an affection so pleasant in itself, and which tends so strongly to improve the heart. But, from his limited capacity, and the frailty of his nature, he forms various, and frequently very gross notions of the object to which all adoration should be paid. He plainly traces the finger of the Deity in the works of creation; but the capacity of man cannot, by the contemplation of material and spiritual objects, form adequate or distinct notions of the divine nature and attributes. From the uniform operations of nature being constantly before him, the objects become familiar. And his perception of the Deity is diminished, by his imputing the effects which he daily sees to those secondary causes which the wisdom of God has thought proper to make the uniform means of producing natural events..

Hence:

* Council reg. vol. 1. p. 39.

1532. Hence revelation became necessary, both to extend his ideas of the Divine nature, and to give him a firm principle of belief. But even revelation itself is liable to be misinterpreted and corrupted; the pure stream is polluted by the foul channel through which it flows. The nature of certain doctrines in Scripture being beyond the reach of human comprehension, the extreme ignorance of mankind in the early ages of Christianity, the supposed sanctity of the clergy, who possessed the only learning of the times, and the exuberant confidence which mankind reposed in them, were the means of introducing a multitude of errors and corruptions into the church; so that Christianity, as then professed, instead of being a pure, rational, and divine system of religion, was a complication of doctrines equally absurd in their foundation, and pernicious in their consequences.

But gross as the state of religion then was, and however much reformation might be needed, we cannot concur in opinion with those who have supposed, that a sense of these absurdities, either suggested the notion, or even did much assist the progress of reformation. We have not discovered that reason has at any time been able to dispel from the multitude those absurdities, which the superstitions of different ages and countries may have instilled into them. Besides, philosophy had not by this time, nor till long after, made any considerable progress; nor were the ideas of men enlightened or enlarged. Many notions* and articles of belief remained with them, fully as absurd as those which they rejected. And, farther, the rapid progress of reformation shows evidently that its success was not owing to reason or reflection. We may admire, then, the wisdom of Providence, which so disposes of human actions, as to make the passions and interests of men, leading them to indifferent, and sometimes to criminal pursuits, productive of the most happy events.

The

* Their belief in witchcraft, their conceit of being frequently actuated by the immediate inspiration of the Deity, their Judaical observation of the Sabbath, and their extreme abhorrence at innocent amusements, displayed in the writings of Rutherford, Durham, and others their most eminent and popular divines, fully justify this observation.

The first idea of reformation seems to have originated from the 1532. resentment of Luther, at the affront cast upon the order to which he belonged, by an advantageous species of religious traffic being transferred from the Austin to the Dominican friars. In the course of his disputations against the sale of indulgencies, his knowledge in the Scriptures became more extensive, his ideas more enlarged; and he had the honour of being the first who planned the destruction of the Romish hierarchy, and of freeing the minds of men from that ignorance in which they had been so long enslaved. Among the causes of the rapid progress of reformation, may be reckoned the flattering the vanity of mankind, by appealing to their judgments to detect falsehood; the indulging it still farther, by permitting the laity to read the Scriptures, formerly held too sacred for their perusal; the reputation which the first reformers acquired, from the austerity of their lives, so opposite to the licentious manners of the popish clergy; and the indignation which would naturally arise in the people against those licentious drones, for having artfully possessed themselves of so much wealth, which enabled them to live in indolence and debauchery; the detection of those pious cheats by which the priests imposed upon the people; the invention of printing, which was attended with the peculiar felicity both of exciting and gratifying an universal thirst for knowledge; the intolerant spirit of reformation, representing popery as impious and damnable; the reformers directing their harangues more to the passions than the judgment; and inflaming those passions against sensible and material objects, such as images, crucifixes, and garments; for, the same external, the same material objects which formerly promoted adoration, now excited abhorrence; and the stream of popular ideas being diverted into an opposite channel, swelled into a torrent, that swept away the mighty fabric, which had been reared by the labour and superstition of many ages. To these may be added the causes which assisted reformation peculiar to this country. As the church and state mutually supported each other, so the reformation favour-

1532. ed the turbulence of the nobles, by humbling the royal cause; and it flattered the vanity of the mob, by levelling the crown and the mitre, and by the preachers dwelling, in their harangues, upon the just, but popular topic, 'that the prince and the peasant will be equally accepted at the throne of grace;' the ill-judged severity of government against the leaders of the reformation, with the courage and constancy which they displayed under their sufferings; the imprudent conduct of Queen Mary; the stern temper, yet licentious behaviour of Cardinal Beaton; the ambition of the Earl of Murray, which promised him the regency of Scotland, under a long minority, perhaps suggested to him still more aspiring objects; but, above all, the nobles, devouring in prospect, and afterwards in reality, the ample revenues of the church.

A war with England was the first fruits of the struggle between
 1542. the catholic and reformed religions. By the death of James V. the
 1543. sceptre having dropped into an infant hand, Henry VIII. proposed, by a marriage between his son Edward and the young Queen, on terms unequal and dishonourable to* the Scots, to acquire the dominion of their country. His designs were favoured by those who wished for an alliance with a Prince disposed to afford such powerful protection to the reformed religion; and the treaty was agreed on. But Cardinal Beaton, who, in this alliance, foresaw the destruction of his religion, found means to disappoint it; and, when the English ambassador required, upon the day appointed, the delivery of hostages † for performance of the treaty, he discovered, from the Regent's evasions, his design that it should never be accomplished. The boisterous spirit of Henry was not likely to brook a disappointment, which insulted his pride, while it mortified his ambition. A fleet of two hundred sail, with a powerful army on board, entered the Forth ‡, to take vengeance on his enemies. The English army landed near Royston, and, in their way to Leith, were

May 4.
1544.

* Robertson's hist. v. 1. p. 99. † Hume's hist. v. 4. p. 253. ‡ Holinshed's history of England, p. 1592.

were opposed by a small body of Scots, whom they speedily put to flight; after which they took possession of Leith. On the second day thereafter they marched for Edinburgh. On their approach to the city they were met by the provost, who offered, in the name of the citizens, to evacuate the town, and to deliver the keys to the commander of the English forces, provided they might have liberty to carry their effects along with them, and that the city should be saved from fire. The English general rejected the terms, and required from the citizens an absolute unconditional submission of their lives and properties*; the provost replying, '*It were better the city should stand on its defence,*' was commanded to retire. The Netherbow-port was assaulted, and beat open; a number of the inhabitants were killed; the English proceeded with their heavy artillery against the castle, from which they suffered so smart and well directed a fire as obliged them to desist from their attack. Being baffled in their attempts upon the castle, they wrecked their vengeance upon the city with double fury, and a devastation almost incredible commenced. They set it on fire in so many places that the smoke obliged them to quit the town: They returned, however, and, for three successive days, exerted their utmost efforts towards its total destruction. For seven miles round Edinburgh the country was laid waste; the palace of Holyroodhouse, the castles of Craigmillar and Roslin, and the pier of Leith, which was then entirely of wood, were burnt: Hardly a house or village within that space escaped the flames. While the army wrecked their fury by land, the fleet was not idle, but scouring the Forth; almost every village from Fifeness to Stirling was plundered and burnt. At last, satiated with cruelty and rapine, they retired, carrying along with them not only the spoil which they got by land, but also all the ships and vessels in the Frith. Edinburgh and Leith, however, so speedily recovered from this calamity, that the town of Leith afforded the English, after the battle of Pinkey, an opportunity of plundering and burn-

1554.

* Holinshed's history of England, p. 1592. et seq.

1547. ing it again *, as well as the ships in the harbour ; but the Duke
 Sept. 17. of Somerset, the Lord Protector, who commanded the English army
 in person, had the humanity to spare Edinburgh, after that impor-
 tant victory, which threatened the subjection of Scotland.

The doctrines of reformation had hitherto made little progress
 in Scotland ; they began to be more widely diffused by the zealous
 and able ministry of John Knox. This celebrated reformer came
 1555. to Edinburgh in the year 1555, where he preached in private to
 such as favoured the reformation †. He declaimed with vehemence
 against all temporising, and expatiated upon the impiety of even
 being present at mass. The hand of power obliged him to fly the
 kingdom ; but it could not stop the growth of those doctrines which
 he propagated ; the effects of them were manifested by the abhor-
 rence which began to be entertained against that *idol the mass*. Those
 who imagined themselves possessed of wit or learning, employed
 their pens in ridicule of popery : And the mob ‡, with sticks and
 1556. stones, weapons more suitable to them, demolished the images in
 St Giles's church, to the no slight offence of the Queen-regent. The
 people continued to display so strong an aversion at popish ceremo-
 nies, as prognosticated the downfall of that superstition ; for, with
 the superstitious rabble, ceremonies are, perhaps, the most essential
 part of religion. On the approach of the feast of St Giles, the tu-
 telary saint of Edinburgh, certain pious reformers, to avoid that pro-
 fanation, idolatry, stole the image of St Giles, which they threw
 into the North Loch, the unhallowed place where those convicted
 of adultery and fornication were plunged, as a punishment for
 1558. their sins. There was great confusion among the priests when, up-
 on their going to decorate the image for the procession annually
 held at that festival, they discovered it to be stolen. The murmurs
 ran from the friars to the bishops, and from the bishops to the
 Queen.

* Holinshed's history of England, p. 1630.
 p. 90. et seq.

† Knox's hist. of the reformation,
 ‡ Council reg. vol. 2. p. 83.

Queen. To supply its place, a small image was borrowed from the 1558.
 Gray-friars, which the mob in derision called *Young St Giles**; and,
 as a tumult was dreaded, the Queen-regent graced the solemnity
 with her presence, to over-awe the rabble. The procession was con- Sept. 1.
 ducted peaceably till towards the end, when the Queen retiring to
 dinner, the mob demolished the image, and scattered the procession.
 Then, according to Knox, ' Dagon was left without head or hands;
 ' down goes the cross; off go the surplices, round caps, and cornets
 ' with the crowns. The Gray-friars gaped; the Black-friars blew;
 ' the priests panted and fled; and happy was he that got first to the
 ' house; for such a sudden fray came never among the generation
 ' of Antichrist within this realm before.'

The proselytes to the reformed doctrines increasing, they distin-
 guished themselves by the name of THE CONGREGATION†. They
 bound themselves to the mutual defence and support of each other,
 in propagating their religious tenets. And it seems to have been
 their leading principle or *passion*, to exert the utmost efforts of their
 fury against those objects which had hitherto been set apart for the
 purposes of religious worship. The magistrates of Edinburgh, how-
 ever, endeavoured to check this furious spirit, both among the citi-
 zens and strangers‡. They paid becoming attention to the letter
 sent them by the Queen-regent, on the demolition of the religious
 houses at Perth, requesting them to keep the peace. Upon the
 Lords of the Congregation approaching to Edinburgh, the council
 sent deputies to them, entreating them to spare their churches and
 religious houses, the protestant worship to be exercised in the for-
 mer, and the latter to be converted into reformed seminaries. They
 also ordered all the gates of the city to be shut, except those of the
 Netherbow and West-port, which were strongly guarded. And
 upon the Queen-regent's || entering Edinburgh, it was agreed be-
 tween her and the Lords of the Congregation, that each party should
 exercise

* Knox's hist. p. 95.

† Spottiswood's hist. of the church, p. 119. et seq.; Scott's

hist. p. 374.

‡ Council reg. v. 3. p. 14. et 17.

|| Knox's hist. p. 153.

July 24. 1559. exercise unmolested * their separate religions, till the tenth of the ensuing month of January.

The Queen-regent having introduced some French troops into Leith, expelled several inhabitants in order to accommodate the troops, and began to fortify the town; she was held by the Lords of the Congregation to have thereby infringed the late treaty. They requested her to desist from carrying on the fortifications; and, upon finding their entreaties ineffectual, marched to Edinburgh. They assembled in the tolbooth, where †, after the opinion of Knox and Willox, their preachers, being required and delivered, concerning the obedience due to sovereigns tyrannically exerting their power, they ventured, with the unanimous concurrence of all present, to *suspend* the Queen-dowager from the regency. On the next day they formally required the town of Leith to surrender; but no regard being paid to their summons, they attacked the fortifications, the town-council of Edinburgh having furnished two thousand merks towards promoting the enterprize. The mode of their attack was by scalade; the besiegers were repulsed, chiefly owing to the shortness of the scaling-ladders; and the preachers

* Dr Robertson, in his account of this treaty, has not observed his usual accuracy; The greatness of the authority renders the more dangerous the mistake of so able a pen. His words are, 'On the other hand, the Queen agreed to give no molestation to the preachers or professors of the protestant religion; to allow no other form of worship in Edinburgh but the reformed; and to permit the free and public exercise of it all over the kingdom.' The treaty is preserved both in Knox and Spottiswood; from the words of it the reader will judge which account is fair, Dr Robertson's or the author's; the words are, 'Item, the town of Edinburgh shall, without compulsion, use and chuse what religion and manner thereof they please, to the said day; so that every man may have freedom to use his own conscience to the day foresaid. Item, the Queen's Grace shall not interpone her authority to molest or trouble the preachers of the Congregation, nor their ministry, (to them that please to use the same) to the said tenth day of January within written; and that every man in particular live, in the mean time, according to his own conscience.' Robertson's hist. v. 1 p. 189; Knox's hist. p. 153; Spottiswood's hist. p. 128.

† Knox's history, from p. 169. to p. 188.; Spottiswood's history, p. 137. and 138; Council register, v. 3. p. 27.

preachers failed not to impute the miscarriage to the guilt the people had incurred, by their impiety in having those ladders prepared in St Giles's church. The Lords of the Congregation, by treaty with Elizabeth, called into to their aid a body of English forces *. The council of Edinburgh assisted them with a month's pay for four hundred men; after various assaults and skirmishes, unworthy of particular detail, the French troops were compelled to surrender the fortifications of Leith, and to abandon the kingdom. And the Lords of the privy-council ordered the magistrates of Edinburgh to demolish these fortifications, that they might not afterwards be a receptacle for harbouring the enemies and invaders of Scotland †.

1560.

July 8.

By the death of the Queen Regent, and the expulsion of the French troops, the Lords of the Congregation were left masters of the kingdom. In the treaty between these Lords, and Ambassadors from Francis and Mary, by which they had agreed that the French should evacuate Scotland, it was stipulated, that a parliament should be held in the month of August thereafter, and that the same should be deemed as lawful in all respects, as if it were ordained by the express commandment of their Majesties. Pursuant to this article, a parliament was assembled at Edinburgh; all the members who favoured the doctrines of reformation attended, as well as several prelates and lords who still adhered to the Catholic religion. Objections were ‡ started to the legality of the meeting, on account of no commissioner appearing to represent the sovereign; but they were over-ruled, and the parliament proceeded to abolish the papal jurisdiction, to rescind the whole acts made in favour of popery, to establish the Confession of Faith, and to impose the same penalties on the professors of the old religion, which, when inflicted upon themselves, they complained of as grievous persecution, although, in the eye of human law, they were then no more than a set of innovating sectaries. Francis

and

* Knox's history, p. 217. and 334; Council register v. 3. p. 33. † Council register v. 3. p. 40. ‡ Knox's history, p. 254; Spottiswood's history, p. 150.

1560. and Mary received the intelligence of these proceedings, with that indignation which might naturally have been expected. Far from ratifying them, they spurned the messenger who brought these resolutions; resolutions which they deemed the Convention to have dictated, in contempt of the authority, and contradiction to the precepts of their earthly and heavenly sovereigns.

Practice had crept in of observing the Lord's day in a manner very different from that warranted in Scripture, or by the example of the earlier ages of Christianity. The duties of religion were neglected: Sports and recreations, which, when exercised in a moderate degree, are not unfuitable to the nature of *the seventh day*, were indulged in a latitude subversive of that holy institution. Nay, Sunday was then made a principal day for business; and, on that day, fairs and markets were regularly held*. An act of the legislature under James IV. had in vain been established for correcting this abuse. The council of Edinburgh now enacted, that the public markets of the city should no longer be held on Sunday; and that no shops or taverns should be open, or goods sold *during divine service*.

The first reformers seem to have entertained some whimsical ideas of analogy, between popery, or, as they termed it, idolatry and fornication, for both of which they entertained the utmost abhorrence. To repress iniquities which they deemed so odious, the magistrates of Edinburgh assumed to themselves both legislative and executive authority, and exerted, in the most absurd and tyrannical manner, those powers which they had so illegally arrogated. They issued a proclamation, commanding all idolaters, (i. e. papists) fornicators, and adulterers, to depart from the town; but subjecting them, in the first place, to these penalties: 'The said idolaters to be defamed, by
' setting † them on the market-cross, there to remain for the space of
' six hours, for the first fault; carrying of the said brothelers, whore-
' masters,

* Act of parliament, 1503, c. 83. and 1579, c. 70.; Council register, v. 3. p. 55.

† Council register, v. 3 p. 37.

‘ masters, and harlots, through the town in a cart, for the first fault ; 1560.
 ‘ burning of both the kinds of the said persons in the cheek, for the
 ‘ second fault, and banishing the town ; and for the third fault, to
 ‘ be punished *with death*.’ In execution of this pious law, they
 ordered the deacon of the fleshers to be *carted* for adultery. The
 corporations* resented the indignity put upon their order; they as-
 sembled in a tumultuous manner, broke open the jail, and liberated
 the prisoner. The magistrates applied to the Lords of the privy-
 council for their assistance in punishing the rioters : A number of
 craftsmen were sent prisoners to the castle. But the deacons, upon
 professing their abhorrence at the late tumult, and making earnest
 and humble supplication, were acquitted of any concern in the riot,
 and obtained the release of their brethren.

Queen Mary by no means relished this conjunction of persons in
 the proclamation, ‘ papists and whoremongers.’ She had lately arri-
 ved in Scotland. The manner of her reception tended not to alle- 1561.
 viate the grief she † felt on leaving France. It was unsuitable to the
 elegance of her taste and the splendour of the court where she had
 hitherto resided. If the manners of the people were deficient in e-
 legance, they were more so in complaisance. They had the barba-
 rity to grumble at their Sovereign’s enjoying that liberty which
 should be possessed by all, the liberty of worshipping God according
 to her own heart. On the Sunday after her arrival, the mob raised
 a tumult at the palace, and could hardly be restrained from inter-
 rupting divine service, nay, even from hanging the priest : And
 the magistrates of Edinburgh politely renewed their edict, banishing
 idolaters ‡ and whoremongers from the city within forty-eight hours
 from the date of the proclamation. The Queen sent a letter to the
 town-council, complaining of an edict so disgraceful and injurious
 to those of her religion. It produced an effect very different from
 what she intended. They again renewed the proclamation, with

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the

* Council register, v. 3. p. 60.
 hist. v. i. p. 263. and 266.

† Knox’s hist. p. 284. and 287.; Robertson’s

‡ Council reg. v. 3. p. 76.

1561. the additional severity of commanding *, under very high penalties, those persons to depart from the town within twenty-four hours. But the council was equally pusillanimous and insolent ; for, when the Queen, who was highly enraged at the contemptuous behaviour of the magistrates, sent an order to the council to deprive them of their offices, and elect others in their place, the council submissively obeyed her commands. The Queen, at the same time, issued a proclamation, granting liberty to all good and faithful subjects to repair to, or remain in Edinburgh, at their pleasure, which gave occasion † to Knox to make this pleasant observation : ‘ And so murderers, adulterers, thieves, whores, drunkards, idolaters, and all malefactors, gets protection under the Queen’s wings, under colour that they were of her religion. And so got the devil freedom again ; whereas before, he durst not have been seen in day-light upon the common streets.’

1562. The people displayed the exuberance of their gloomy and disordered imagination, in the variety of punishments which they invented to repress popery and fornication. The iron rod, already stretched forth to crush carnal impurities, was twisted into new shapes, and loaded with additional weight, to give it the smarter sting. To the punishments already mentioned, ducking in filthy and stagnant‡ pools, and confinement to a diet of bread and water, in the most dismal cells of a dungeon, were superadded ; yet, with all their detestation of uncleanness, they seem not to have been ignorant of the maxim ||, ‘ that all things are lawful to the saints.’ And from their abhorrence‡ to popery, they cut out the figure of St. Giles from the city-

* Council reg. v. 4. p. 15. and 16.

† Knox’s hist. p. 293. ; Spottiswood’s hist.

p. 183.

‡ Council reg. v. 4. p. 26. and 47.

|| The Earl of Arran enjoyed his mistress peaceably ; but, when the Marquis de Elbeuf and the Earl of Bothwell, in a drunken frolic, paid her a visit, addresses were presented to the Queen, and tumults in the streets were headed by the protestant Lords, to repress the horrid impiety ; Knox’s hist. p. 302. et seq.

§ Council reg. v. 4. p. 34 ; Knox’s hist. p. 288. and 304. and 335. ; Spottiswood’s hist. p. 188.

city-standard, in room of which they substituted a thistle. With tumult and reproach, they disturbed and insulted the capital, the palace, and the Queen.

We shall anticipate somewhat in point of chronological series, in order to dismiss an odious subject, which displays the legislature, or at least the town-council of Edinburgh, as guilty of grosser absurdity and iniquity, in punishing of vice, than the people could have been by its commission. The town-council, to fill up the measure of absurdity, enacted, that unless burgesse's daughters * were, at their marriage, *reputed pure virgins*, their husbands should not enjoy the freedom of the city, to which, in virtue of such marriage, they would otherwise have been entitled. And most of the punishments enacted by the council against † fornication, popery, &c. received, by gradual steps, the sanction of the legislature. It were ridiculous to suppose, that such laws were made, such severities threatened, for speculation only. The Sovereign, indeed, endeavoured to stop the execution of the most sanguinary penalties: Yet we find, that the Archbishop of St Andrews was imprisoned in Edinburgh castle, for saying and hearing mass ‡, and that he was afterwards hanged, (religion, indeed, was not assigned as the cause of his attainder); that a popish priest, a man || of title and family, arrayed in his sacerdotal robes, on two consecutive days, was pilloried at the cross of Edinburgh, and pelted with such severity by the rabble as to endanger his life; that several priests were punished by exile and otherways; and, notwithstanding the observation of a § late historian to the contrary, that a priest, on account of his religion, was actually hanged.

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* Council reg. v. 7. p. 9. † Act of parliament 1567, c. 13. 1581, c. 106. 1592, c. 122. 1593, c. 168. 1594, c. 196. 1607, c. 1. ‡ Keith's catalogue of Bishops, p. 24; Spottiswood's hist. p. 187. 252. || Knox's hist. p. 370. † Spottiswood's hist. p. 183; Scott's hist. p. 434.

§ Dr Robertson observes, that not a single Catholic suffered death on account of his religion. He quotes, for his authority, Leslie de reb. gest. Scot. p. 231. In one of the

1566. Although the murders of Riccio, and afterwards of Darnley, were perpetrated in Edinburgh; yet, as these enormities sprung from no commotion among the citizens, but from the jealousy, resentment, or ambition of those who swayed the sceptre, or surrounded the throne, these deeds of ferocity and darkness fall to
1567. be recorded in a history, not of the city, but of the court. Edinburgh was unhappily the theatre of a rapid succession of the most atrocious crimes: The murder* of a favourite, in presence of his royal mistress, in the sixth month of her pregnancy, countenanced by her partner in the throne: The assassination of the sovereign in his own apartment, not without foul suspicion of the blow having been directed by that hand which, of all others, should have guarded him from harm; the undoubted murderer, screened by a mock trial, and loaded with honours, prevailing, with prostituted judges, to annul his marriage, upon trivial or scandalous pretences, and afterwards mounting the bed which he had already stained with treason

two editions which we have discovered of this book, the page alluded to respects the reign of Alexander III.; in the other, that of Robert Bruce. But, at any rate, Leslie was dead before the instance we refer to happened. Spottiswood has laboured to vindicate his master King James from having taken the blood of a priest on account of his religion. His metaphysical distinctions do not convince us. It appears to us entirely the same, whether the priest was hanged for saying mass, or for making unsatisfactory answers to the interrogatories put to him concerning the King's supremacy, or the papal jurisdiction. King James, no violent enemy to popery, was nevertheless jealous of his royal authority. In his conduct towards this priest, he seems to have had in his eye the example of that master in tyranny Henry VIII. whose conscience and friendship would not allow him to behead Sir Thomas More *on account of religion*. But, upon his being inveigled to say, that any question, with regard to the law which established supremacy, was like a two-edged sword, if a person answered one way, it would confound his soul, if another, it would destroy his body, he was indicted for *high treason*, and beheaded. We can perceive no difference in the cases, except the personal character of the sufferers; the one, a person eminent for learning and virtue; the other, a furious bigot, who was not however more remarkable for indiscreet zeal and treasonable doctrine, than the reformed preachers of the time; Robertson's hist. vol. 1. p. 187.; Spottiswood's history, p. 521.; Scott's history, p. 585.; Hume's history, v. 4. p. 151; Keith Cat. p. 117. * Robertson's hist. v. 1. p. 358. 400. 419.; Hume's hist. v. 5. p. 110. 118.

treason and murder; bespoke the perpetrators dead to every sentiment of honour and humanity; or, at least, showed, that their feeble calls could not be heard amidst the most furious storms of passion which could agitate the soul; and, at the same time, attracted the contempt and detestation, while they excited the amazement, of Europe.

A chain of events, so singularly ignominious, was not beheld in Scotland without indignation. One of the ministers of Edinburgh, with a boldness* which reflects upon him an honour that will be obliterated only with all memory of the transaction, had already testified his duty to his Queen and his country, by the most earnest dissuaves, and solemn protestations, against her marriage with Bothwell. Several of the nobility associated themselves in defence of the infant Prince, whose person was like to fall into very dangerous hands. They came to Edinburgh, which they entered without opposition†, and were joined by many of the citizens. They marched eastwards, to encounter the forces which the Queen and Bothwell had assembled on Carberry-hill. Guilt, with its companion fear, and the reluctance to fight in so bad a cause, dispersed the Queen's army without a blow, and left its miserable‡ leaders no other resource than to Bothwell precipitate flight, and to Mary ignominious surrender to a bigotted and ungenerous enemy. The associated Lords conveyed the Queen to Edinburgh: She assiduously protracted the journey to a very late hour, wishing for the shades of night to conceal her disgrace. The accumulated grounds of reproach, which we avoid to repeat, had so steeled the minds of the people, that neither fallen royalty, nor beauty in distress, could awaken them to compassion. Covered with dust, and overwhelmed with grief and shame, she entered Edinburgh, amidst the insults of the populace, a banner being carried before her, whereon was displayed

* Hume's hist. v. 5. p. 117. † Robertson's hist. v. 1. p. 426. ‡ Hume's hist. v. 5. p. 122; Robertson's hist. v. 1. p. 430

1567. played her infant son, kneeling before the body of his murdered father, and praying, 'JUDGE AND REVENGE MY CAUSE, O LORD.' She lodged for that night in the Lord Provost's house, and was next day carried into confinement, in which hardly a ray of sunshine pierced through the gloom that overshadowed the sad remainder of her days.

After a resignation of the crown was extorted from Mary, and the regency of the kingdom bestowed upon the Earl of Murray, his first object was to obtain possession of Edinburgh castle. Arms were unnecessary to wrest * that fortification from its corrupt and perfidious governor: The confident of the Earl of Bothwell, who had already, when he delivered to the Earl's servant his casket of letters of the last importance, at the same time sent intelligence to Bothwell's enemies to intercept them, could find no difficulty in deserting the garrison entrusted to his command. The price publicly stipulated for Edinburgh castle was five thousand pounds, and the priory of Pittenweem. But the castle, so infamously sold to the Regent, was not long retained in his interest. Sir William Kirkaldy, the
1570. governor, declared in favour of Mary; the city was sometimes in possession of the Queen's party, oftener in that of the † Regent, and was the scene of desultory and cruel war between these contending factions. The Lords who favoured the King's cause, (for the parties were known by the appellation of *King's-men* and *Queens'-men*) applied for assistance to Elizabeth. It seems to have been the policy of that artful Princess to provide for her own security, by embroiling the affairs of the Scots in such manner that their martial fire, consumed in domestic dissensions, should never spread into England. Elizabeth sent a body of a thousand foot, and three hundred horse, under the command of Sir William Drury, to aid the King's party. They encamped, together ‡ with a body of Scots, at Leith. Sir William required Kirkaldy, the governor, to surrender the castle; but, while

* Spottiswood's hist. p. 208. 213.

† Robertson's hist. v. 2. p. 4. 6. 26.

‡ Robertson's hist. v. 2. p. 6.; Scott's hist. p. 448.

while they were negotiating, those who were disaffected to the Queen's interest having been commanded to leave Edinburgh, assembled in hostile manner, under a banner whereon this motto was displayed, 'FOR GOD AND THE KING,' which put an end to the treaty. 1570.

The war was carried on in various skirmishes, and in ravaging the lands of the respective leaders, as well as intercepting the provisions of their parties; the repeated hostilities inflamed the factions with great cruelty. The Earl of Morton conducted a body of Scots, who adhered to the King, from Leith to Restalrig*, where they drew up in order of battle. The Queen's forces, led by the Earl of Huntly, and others of the nobility who favoured her cause, marched from Edinburgh to encounter them. The English General interposed. He endeavoured to accommodate their differences, and to spare the effusion of blood. The armies separated, agreeing to retire to their respective quarters. But this amicable accommodation became the means of the Queen's forces being ensnared by Morton's treachery. Making a circuit with his troops, they made an unexpected attack upon the Queen's, when entering the Water-gate, and killed about fifty of them; but, of Morton's followers, two† only were slain: And, to prevent the city being taken by surprise, a strong gate was built by the Queen's party at the Nether-bow, a little above the one lately pulled down. In the course of the siege, the King's party marched from Leith; and, in order to provoke the Queen's forces to an engagement, they approached unwarily too near the castle. The Lord Methven‡, and seven of his followers, were killed 1571. June 28.

* Scott's history, 449. 450.

† Spottiswood's account of this scuffle is very different, and wears the strongest appearances of improbability and fiction; besides, the absurdity of supposing Mary's partizans to pay the courtesy to Sir William Drury the General of the enemy, as to accompany him on his way to England. Sir William did not leave Scotland for long after. The place of the attack, and the vast disparity in the number of the slain, confirm the testimony of Morton's treachery; Spottiswood, p. 255.

‡ Scott's history, p. 452.

1572. led by shot from the garrison. In revenge for the loss they had suffered, as well as to distress the garrison, the King's troops destroyed the mills on the Water of Leith. They, at the same time, put guards on the different avenues of the city, to cut off all supply of provisions; and, in order to strike terror into the country-people, they hanged two men for carrying sheep to the market, and scourged five women, with great severity, for similar practices. The violence of party-spirit, heightened by mutual injuries, had now exasperated them to such a pitch of rancour, that the prisoners on each side, without respect to their quality or condition, were led to immediate execution, upon gibbets erected within sight of their friends. It is said, that the unhappy prisoners, by fifties * at a time, fell victims to such shocking barbarity. At last, wearied with mutual slaughter, a truce was agreed on till the first of the ensuing month of January; and the Earl of Morton, now regent †, took the opportunity, in the mean time, to erect two bulwarks across the high-street, nearly opposite to the tolbooth, to shelter the city from the cannons of the castle. The truce being expired, the governor began early in the morning Jan. 1. of the first of January to cannonade the city. Some of the artillery were pointed against the fish-market, which had been lately built. The bullets lighting among the fishes, scattered them about the streets, and beat some of them so high, that the tops of the houses received them in their fall. The singularity of the spectacle drew many people into the streets; and the poorer sort, incited by their desire to make prey of the fishes, ran to gather them, regardless of the danger. A bullet lighting among them, five were killed, and four times that number dangerously wounded. Some time afterwards the cannons were directed against some thatched houses nigh the West-port. The frequent ‡ cannonading, and the wind, which blew very high, spread the

* Robertson's history, v. 2. p. 31.
history, p. 457.

† Scott's history, p. 454, 456.

‡ Scott's

the flames ; several houses were burned, by which the citizens were 1572.
greatly enraged against Kirkaldy.

The miseries of civil discord led the nation to wish ardently for peace. A treaty to that effect was agreed * on betwixt the leaders Feb. 23.
of the opposite factions ; but Kirkaldy would not be comprehended in it. The Regent solicited Elizabeth's assistance to reduce the castle ; and Sir William Drury, who before this had left Scotland, returned with fifteen hundred foot, and a train of artillery †. He 1573.
summoned Kirkaldy to surrender, who, in token of defiance, unfurled his ensign from the top of the garrison. The English General and the Regent opened the trenches, and pushed the siege vigorously. Five batteries were ‡ erected against the castle ; one of them on the spot where Heriot's-hospital now stands, the other four, at nearly equal distances, in a curve line by the west of the castle ; the last of them being raised in Bearford's park, a little to the westward of due north from the battery erected at the hospital. The fortress was defended with great gallantry ; but a great part of the fortifications being demolished, the well being choaked with rubbish, every supply of water cut off, and the garrison, though resolute, not animated with the undaunted and unconquerable spirit of their commander ||, after a siege of thirty-three days, the castle was surrendered, May 29.
the English General having promised, in the name of his mistress, favourable treatment to the Governor. Elizabeth basely gave him up to Morton, who rewarded his gallantry with a halter.

By the treaty already mentioned, and the reduction of Edinburgh castle, the civil war was extinguished, and Morton firmly established in the regency. Avarice prompted him to acts of rapacity and oppression ; to these, his jealous attention to preserve the plenitude of his power added cruelty. His administration became universally

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* Robertson's history, v. 2. p. 46. † Holinshed's history of England, p. 1867.
Spottiswood's history, p. 271. ‡ Spottiswood's history, p. 271. ; Holinshed's map of
Edinburgh, A. D. 1573. || Robertson's history, v. 2. p. 47. 50.

1577. verſally odious ; and he found it neceſſary to reſign the * govern-
 March 12. ment into the hands of the young King. Edinburgh caſtle was at
 the ſame time ſummoned to ſurrender ; but the governor, who was
 Morton's brother, reſuſed to yield. Reſolved to ſtand a ſiege, he
 detached a party of the garrifon to the eaſt end of the city † to buy
 up proviſions ; the citizens roſe to intercept their return ; the ſol-
 diers fought their way through the citizens, killed one, and wound-
 ed ſeverals, but were obliged to drop their proviſions : And Mor-
 ton, upon getting a pardon, whoſe ample terms did not, however,
 in the end, ſcreen him from puniſhment, reſigned the fortrefs.

1578. He embraced the firſt opportunity of reſuming the power he had
 ſo reluctantly quitted. Repairing ſuddenly to Stirling caſtle, where
 May 24. the King reſided, he had addreſs enough to reſtate himſelf in his
 authority, to obtain command of the garrifon, and cuſtody of the
 royal perſon. The King ſent a letter, lamenting his confinement
 to the Chancellor, and entreating him to raiſe all the forces he could
 muſter, to effectuate his releaſe. The citizens of Edinburgh being
 informed of the King's confinement, and an ambaffador from Eng-
 land ‡ arriving at that critical moment, the people were alarmed with
 the moſt violent apprehenſions about his Majeſty's ſafety. They cried
 aloud, ' Morton has ſold us to the Engliſh : He is to deliver up the
 ' King to Queen Elizabeth.' The people roſe in arms, and the
 trained bands offered their ſervices to the Privy-council. Mean
 time Morton ſent a herald in the King's name, commanding the
 magiſtrates of Edinburgh to apprehend all thoſe who had taken
 arms within their juriſdiction. Diſtracted between ſuch oppoſite or-
 ders, pretended to originate from the ſame ſource, the Lord Pro-
 voſt went in perſon to Stirling, and was inſtantly committed priſoner
 to the caſtle of Down. An accommodation, however, was effec-
 tuated ;

* Scott's hiſt. p. 466. 467. † It had probably been to the head of the Ca-
 nongate ; a fleſh-market was kept then, and long after, on the high ſtreet at the head of
 the Canongate ; Gordon's map of Edinburgh, A. D. 1646.

‡ Scott's hiſt. p. 469. 470. ; Robertſon's hiſt. v. 2. p. 72.

tuated ; and Morton, finding that he could not keep the King perpetually cooped up in Stirling Castle, suffered a parliament to be assembled in Edinburgh. His Majesty's introduction to the city was graced with an absurd and expensive pageant, which, while it testified the loyalty of the citizens, also displayed the pedantic and fantastical taste of the times.

From the height of power, Morton traced his downfall, by steps neither gradual nor distant : But, even in dejection and disgrace, he was the object of terror. Being charged with the murder of the late King, apprehensions were universally entertained that he would make some desperate attempt upon the person of the Sovereign. These * suspicions were confirmed by Elizabeth's anxious and pressing instances in Morton's favour. As no guard had hitherto surrounded the Scottish throne, King James applied to the town-council of Edinburgh to raise a hundred men to protect his royal person, and a hundred more to convey the Earl of Morton from the castle of Edinburgh to that of Dumbarton. The council complied with his request ; and the King, still thinking himself insecure, demanded of the city an additional company of a hundred men, to guard him in his palace of Holyroodhouse, which the town accordingly granted.

Scotland being freed from the shackles of papal usurpation, was well nigh subjected to a more formidable tyrant in the person of her deliverer. She preserved her freedom and independence, but with difficulty : And to this struggle between the civil and ecclesiastical states, most of the troubles which distracted the nation for near a hundred years, may be imputed. If the Pope claimed, in religious matters, a supremacy over temporal sovereigns, the presbyterian declared his independence upon them, prudently chusing a head, placed at a convenient distance. If, during the most arbitrary sway of the Romish hierarchy, it was held impious to summon a churchman before a lay tribunal, the presbyterian maintained, that, in point of

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doctrine,

* Scott's hist. p. 476. ; Council reg. v. 6. p. 114 122.

1580. doctrine, he was liable to the cognisance only of a spiritual court ; that, were treason itself to be delivered from the pulpit, it behoved it, in the first place, to be tried by the presbytery, and that neither King nor council could decide upon it in the first instance. From his approach to the age of maturity, almost till his accession to the throne of England, James, in the safety of his person, and stability of his throne, was exposed to perpetual danger from the plots of turbulent nobles and factious churchmen ; the former of whom sought to aggrandize their respective families ; the latter to exalt the clerical order, by a depression of regal power. When we consider, that he was also exposed to the conspiracies of papists, who, to introduce their superstition, scrupled not to expose the nation to subjection under a foreign yoke ; to private resentment, which armed the traitor with a mortal dagger : When we also reflect that he ascended the throne, an infant of a year old, upon the expulsion of his predecessor ; and that of the four Regents who administered the government during his minority, ambition or avarice were the ruling passions of the first and last of them ; and that sternness of temper, not to say downright cruelty, were the characteristic features of them both ; we must admire the felicity of fortune, if not also the prudence in conduct, by which James, when he resigned his life in the ordinary course of nature, transmitted to his son his native kingdom, as well as the greater dominions to which he succeeded. Perhaps we may revere the protecting arm of the Deity, who is presumed to interpose, in a peculiar manner, in behalf of his anointed.

The benefices in Edinburgh, although pityful*, were the best livings in the church ; we may therefore conclude, that the most eminent, or what in those days was synonymous, the most seditious preachers in the church, were appointed to the pastoral charge in Edinburgh.

* The salaries of the four ministers of Edinburgh, (A. D. 1588) were, of the first, 600 merks, of the second, 500, of the third, 300, of the fourth, 60. ; Council reg. v. 8. p. 189.

Edinburgh. Like the first propagators of Christianity, their poverty 1580. exposed them not to contempt. Possessing neither opulence nor splendor, they indulged the most refined species of pride, in an austeriety which despised them. Condemning the luxuries of life as criminal; rejecting its comforts as contemptible; abhorring the external ceremonies of religious pomp and worship, and unfettered by all its forms; they acquired a reputation for sanctity, and inspired the ideas of devotion, by a simplicity which rejected the aid of ornament, and left unbounded scope to the imagination, which they inflamed to a pitch of enthusiasm. By these means, they acquired over the people an influence ever fatal to the peace and happiness of individuals, and the security of civil government, when possessed in such extent by the clerical order; and they left to posterity, the benefit of historical experience, instructing those to whom the laws have entrusted the presentation to churches, how much the duty they owe to the city and to the state, requires their vigilance in scrutinizing the characters of clergymen, that those of seditious principles may never be admitted into Edinburgh.

William, Earl of Gowry, having, at his house of Ruthven, seized the King, he, with other Lords, kept his Majesty* in confinement, and directed affairs at their pleasure. The pulpit resounded with applauses of the godly deed. An act of assembly was passed, declaring the conspirators 'to have done good and acceptable service to God, their Sovereign, and the country;' and threatening, with ecclesiastical censures those who, by word or deed, should oppose *the good cause*. The Lords brought the King to Edinburgh. The solemnity of his reception was characteristic of the manners of the times. He was met by the ministers of Edinburgh. The whole procession walked up streets, singing a psalm, expressive of their critical escape from danger, and the great deliverance they had obtained by the captivity and subjection of the King. The news of James's † confinement spread all over Europe; they even pierced the

1582.
Aug. 22.

* Spottiswood's hist. p. 320. 322.

† Robertson's hist. v. 2, p. 95.

1582. the walls of her prison, and reached the unfortunate Mary, whose maternal feelings they extremely agitated. Henry III. of France sent an ambassador to Edinburgh, with instructions to exert his utmost endeavours to restore to the King his freedom and independence *. When the ministers of Edinburgh understood the purpose of the embassy, they declaimed against the messenger and the errand with equal scurrility. La Motte, as a knight of the Holy-Ghost, displayed on his shoulder a white cross. This they denominated, 'the badge of Antichrist,' and La Motte himself, 'The ambassador of the bloody murderer,' (meaning the duke of Guise). The railings of the clergy, and the insults of the populace, so disgusted La Motte and La Meneville, his companion in the embassy, that they earnestly urged their dismissal. The King, vexed at this contemptuous treatment, and willing to show respect to the ambassadors, desired the magistrates of Edinburgh to entertain them. They were invited accordingly, and a day fixed for the banquet. The ministers, highly provoked at this instance of respect, resolved to disappoint it. On the Sunday preceding, they ordained a fast to
- Feb. 16. be observed on the very day the magistrates had chosen for the entertainment. The day being arrived, to detain the people in church, three of their most famous preachers successively mounted the rostrum, and thundered curses on the ambassadors and all who dared to entertain them; and they pursued the magistrates with ecclesiastical censures, for contemning the orders of the church.
1583. The King being escaped from confinement, Gowry was hardly pardoned, ere, in conjunction with the preachers, he hatched a new conspiracy. The city of Edinburgh rose in defence of the King. The insurrections † were quelled, and an end was put to Gowry's treasons.
1584. The ministers of Edinburgh had all along justified *the raid of Ruthven*, (so the King's confinement by Gowry was called). One of them being summoned before the privy-council, refused to acknowledge himself to have been guilty of any offence. And one of the

* Spottiswood's hist. p. 324.

† Ibid. p. 330.

the ministers of St Andrews being cited on the same account, declined the jurisdiction of the King and Council, and exclaimed, in his wrath, that 'the King perverted the laws both of God and 'man.' A parliament was held at Edinburgh. The authority of the King, and of the estates of parliament *, in all cases, and over every order, spiritual and temporal, was confirmed. These statutes, however, were not enacted without opposition from the clergy. They deputed one of their number to wait upon the King, and entreat, that no act concerning the church should be passed till they should be heard. Instead of his message being listened to, the Earl of Arran sent him prisoner to the castle of Blackness; upon which the ministers of Edinburgh instantly fled to England. One of them, however, bolder than his brethren, previous to his flight, repaired to the cross, where, while the heralds, according to custom, were proclaiming the statutes, he solemnly took instruments in the hands of a notary, declaring the church's dissent from these acts, and protesting, that no obedience was due to them: And the absent ministers sent a letter to the kirk-session and town-council, reviling the measures of the court in the most opprobrious terms, and declaring 'The acts made in the late parliament, repugnant to the word of 'God, and doctrine oftentimes preached by them.' The kirk-session and town-council, by the King's command, returned an answer to the ministers, expressing their detestation of the treasonable doctrines contained in their letter, and rejecting, as pastors, those who had deserted their flocks.

The Lords who were exiled for having been concerned in the late conspiracy, being pardoned, returned †; and the ministers returned along with them. The chastisement they had suffered for their recent follies did not teach them discretion. They insisted, that the late acts, which established the King's authority in spiritual matters, and prohibited the clergy from meddling in state affairs, and from railing

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* Act of parliament James VI. parl. 8. c. 129. 130. 134; Spottiswood's hist. p. 333.

† Scott's hist. p. 495.

1585. ing and flandering in the pulpit against the King, should be repealed. Amidst the reproaches they threw out against the King, for his refusal to abrogate those laws, one of them, preaching in Edinburgh, observed, ‘ That Captain James *, (the name they gave to ‘ the Earl of Arran), with his Lady Jesebel, and William Stewart, ‘ were taken to be the persecutors of the church ; but that now it ‘ was seen to be the King himself, against whom he denounced the ‘ curse that fell on Jeroboam, that he should die childless, and be ‘ the last of his race.’

1586. Such was the virulence of hatred, or height of contempt, which they entertained for their sovereign, that, when he commanded them to pray for his mother, on whom the rigorous policy of Elizabeth had pronounced sentence of death, the King’s own chaplains, and one other clergyman, alone complied. Willing to have their fault amended, particularly at Edinburgh, where the disobedience was most glaring, the King appointed a new day, when prayers should be said for his mother. In order to prevent the cavilling of the ecclesiastics, he had been scrupulously cautious in the form of prayer he had chosen. It contained no other petition than charity would prefer for the † worst of enemies ; ‘ That it might please ‘ God to illuminate Mary with the light of his truth, and save ‘ her from the apparent danger with which she was threatened.’ The King, that he might not be exposed to the insult of a refusal, in his personal presence, ordered the Archbishop of St Andrews to preach before him. But, on the day appointed, when the King

Feb. 3. came into the church, he found the pulpit occupied by a young man, who had not yet received holy orders, and whom the ministers of Edinburgh had instigated to mount the pulpit, to preclude the prelate. The King called to him from his seat, that the place was destined for another ; yet, if he would obey the charge given, by remembering his mother in prayer, he might proceed to divine service ;

* Spottiswood’s hist. p. 343. ; Scott’s hist. p. 495. † Spottiswood’s hist. p. 354 ; Scott’s hist. p. 507. ; Hume’s hist. v. 5. p. 317.

service; the preacher replying, that 'he would do as the spirit of 1586.
' God should direct him,' sufficiently indicated his purpose. He was commanded to leave the pulpit; and, as he seemed unwilling to obey, the captain of the guard went to pull him from his place; upon which he exclaimed, 'That this day would be a witness against the King in the great day of the Lord;' and, as he descended from the pulpit, he denounced a woe upon the inhabitants of Edinburgh, for suffering him to be so ignominiously treated.

James, unable to sooth or to subdue the seditious spirit of the ecclesiastics, directed his attention to compose the personal quarrels, or family-feuds, which had long distracted the nobles, and had excited 1587.
great disorder in the country. His good offices were productive of at least apparent harmony; and, if he did not eradicate the seeds of contention, he, however, for a time, smothered them*. He celebrated their reconciliation in a royal banquet at Holyroodhouse. From thence they walked hand in hand, each with his new made friend, to the cross of Edinburgh, where they partook of a cold collation, drank to each other, in token of mutual reconciliation, and thus, as it were, pledged themselves to the public for their future tranquility and concord.

Fresh causes of quarrel, between the King and church, were still springing up. He had been induced, much contrary to his inclination, to 1592.
establish the presbyterian form of church † government; and to introduce a salvo, in explanation of the act 1584, establishing the authority of the King in spiritual matters, and prohibiting the clergy from meddling in state affairs. By this salvo, the privileges warranted by the word of God were reserved to them. Such able casuists were at no loss in explaining, as they pleased, so vague a reservation. Still, however, the church was not satisfied; and both parties either felt, or affected, mutual fears and jealousies. It was the fortune of James, hardly to have escaped from one snare, ere he fell

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* Spottiswood's hist. p. 364.
history, v. 2. p. 208.

† James VI. parliament 12. c. 114; Robertson's

1592. into another. The Popish Lords formed a conspiracy to establish the Roman Catholic religion; and to that effect, had resolved to join and assist Spanish forces in making invasion of England. The facility of James's temper would not permit him to prosecute the conspirators with that rigour to which he was urged by the eager zeal of the ecclesiastics. This lenity excited great discontent, and became, as usual, the subject of declamation from the pulpit. Yet, at the same time, Both-

1594. well, as he did not belong to the Popish faction, was encouraged by the clergy in his treasonable attempts upon the King. Nay, the money which had been collected for relief of the distressed † protest-

1596. ants in Geneva, was applied by the ministers to raise men to assist Bothwell. It were tedious and trifling to relate the various disputes, between the King and Church, about pardoning the Popish Lords. They evinced the low ebb to which royal authority was reduced: And they will be best explained in his own words to the Clergy's committee ‡ upon grievances, 'There could be no agreement, so long as the marches of the two jurisdictions were not distinguished.' The clergy had already, upon the return of the Popish Lords, founded the alarm all over the kingdom, and convoked the most eminent of their number to Edinburgh, there to reside constantly, under the name of the *Standing Council of the Church*, and to be vested with its *supreme authority*; when the ravings of one Black, a minister at St Andrew's, brought this rupture between the King and the Church to a crisis, which had well nigh accomplished the destruction of the metropolis, or of the Sovereign.

This Black affirmed from the pulpit, that the King had permitted the return of the Popish Lords, and thereby detected the treachery of his own heart: That all Kings were the Devil's children: That Satan had the guidance of the court: That Queen || Elizabeth was an

* Robertson's history v. 2. p. 209. 214.

† Spottiswood's history, p. 402.

‡ Spottiswood's history, p. 419.

|| Spottiswood's history, p. 420. 423. 425; Robertson's history v. 2. p. 229.

an atheist : That the Lords of Session (one of whose bills of suspension 1596. he learnedly discussed in his sermon) were a set of miscreants and bribers : And that the nobility were enemies to the church, false, godless, and degenerate. The clergy deemed even this man not unworthy of their countenance and protection. Being summoned before the Privy-Council, to answer for his treasonable discourses, they opposed the shield of spiritual jurisdiction, to protect him from royal vengeance. Black disavowed the authority of the Privy-Council; and the *Standing Council of the Church*, which still continued at Edinburgh, sent a solemn instrument disavowing their authority, to be subscribed by all the presbyteries in Scotland; and recommended to the ministers, in their public and private prayers, to commit the *good cause* to God; and to employ their credit, and exert their labours, among their respective flocks, towards its maintenance and support. The King, incensed at proceedings tending so directly to mutiny, issued a proclamation, requiring the commissioners of the church to depart from Edinburgh within twenty-four hours. Upon this they assembled, and resolved *, ‘ *That, since they were convened by the warrant of Christ, they should obey God rather than man,*’ and continue together, notwithstanding any charge that might be given them. The articles of accusation against Black being fully proven, the King did not proceed in passing judgment, being desirous that the commissioners of the church would themselves pronounce some slight censure, or inflict some trifling punishment upon Black, with which the King declared he would be contented. But the commissioners replied, ‘ A punishment could not be inflicted where no cognition had preceded; for, as to the trial taken, neither was it done by the proper judges, nor was that equity observed which ought to have been; witnesses that were under the censures of the Church, and ill affected to Mr Black, having been admitted to depone † (i. e. depose) against him.’ In vain did his Majesty seek to remove all objections

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* Spottiswood's history, p. 422.

† Ibid. p. 426.

1596. tions to the trial. Every thing which candour and impartiality could devise, was offered by the King, and rejected by the clergy. They imagined themselves to be the injured party, and declared, that, since they saw 'the faithful pastors of the church reviled and 'pursued, they could not abstain from opposing these proceedings, 'with the spiritual armour given them by God.' They accordingly ordained a fast to be kept the Sunday following, with solemn prayers to God to avert the impending judgments.

The King published a declaration, tending to exculpate himself from the calumnies of the clergy; requiring anew the commissioners of the church to depart from the city, as also twenty-four of the burgesses who had become odious and suspected, on account of their professed attachment to the ministers. Fears and jealousies were kept alive and inflamed by rumours, which, whatever might be their foundation, artfully propagated, that a strong guard had assembled, to defend the ministers against the violence which was dreaded from the King; and, that the King's measures were directed by the Popish Lords who had been secretly admitted into his presence. Dissentions were fomented by designing people, who heightened the apprehensions of the clergy, by a counterfeit letter, recommending it to them to provide for their security against the combinations of Papists, who guided the royal councils. Persuaded of the truth of this intelligence, and sincerity of this advice, the minister who preached in rotation descanted upon the troubles of the church, and the treacherous proceedings of the court. He excited the nobles to emulate the virtues of their ancestors, by whose zeal and fortitude the true religion had been planted; alarmed them with apprehensions of the imminent perils which threatened the church; and, finally, requested the nobles and barons to meet in the *Little Church* after sermon, and assist the ministers with their advice, in so critical a situation. They assembled accordingly, and drew up a petition, which six of their number presented to the King, who was then in the upper room of the court of session, at that time held

held in the tolbooth. The contents of the petition, as well as the 1596. indiscreet and undutiful expressions which accompanied its delivery, offended the King; and as he at the same time observed a number of people thronging rudely into the room, he rose from his chair, and stepped to the apartment beneath, where the judges were then sitting, and commanded the doors to be shut behind him. Meantime, the multitude, who continued assembled, expecting the return of the deputies, were entertained by a minister with the story of Haman. Being seasoned with so wholesome an example, of which the application was obvious, their minds were in excellent frame for a tumult, when the deputies returned, informed the people, that the King would not listen to their petition, and suggested, at the same time, that some other course should be taken.

The minds of the people, thus artfully inflamed, burst forth into an excess of popular fury. The meeting was filled with tumult and uproar. Confused exclamations were echoed through the assembly; some calling for their arms, some, 'bring forth Haman,' and others, 'the sword of the Lord and Gideon.' They rushed forth, and assaulted the tolbooth, in which were the King, the judges, and chief officers of state. It is not the province of history to form conjectures of the consequences which would probably have followed, had the tumultuous crowd succeeded in their attempts to force the gates. Happily they were baffled by the courage and loyalty of one of the deacons, assisted by his corporation; by the address of the Lord Provost, who soothed the rabble; by the promises of the King to receive their petitions, when presented in a regular manner, and by the endeavours of the clergy themselves, who were confounded at the violence of the outrage which they had occasioned. The mob dispersed, and the King returned without molestation to the palace.

The nobility, barons, and ministers, assembled in the afternoon, to prepare a petition which the King had promised to receive. When the terms of the petition were adjusted, they appointed a committee, of whom the Laird of Bargeny was principal, to present it to the
Sovereign.

1596. Sovereign. The King, understanding that the committee was at the gates of the palace, sent Lord Ochiltree to tamper with Bargeny, not to present the petition; and, having prevailed with him, the rest of the committee also declined to present it, on their principal's failing to concur.

Early on the next morning, the King and Privy-Council departed for Linlithgow. A proclamation was published at Edinburgh that same day, setting forth, That, on account of the late treasonable uproar, in which a number of citizens, instigated by the ministers, had taken arms to bereave the King and council of their lives, his Majesty deemed Edinburgh an unfit seat of residence for the court, or for the administration of justice: He, therefore, required the college of justice, the inferior judges, and the nobility and barons, to retire from Edinburgh, and prohibited them from returning without his express licence. The calamity in which Edinburgh was plunged, was of such a nature, as to be instantly perceptible to the citizens, on whom it operated strongly, producing in them a hearty desire to obtain a reconciliation with the King. Not so the ministers: They resolved that the contest should be maintained; that the nobility and barons should not be dispersed by the royal proclamation, but that new ones should be assembled to support *the good cause*. A bond to that effect was accordingly drawn up; but the town-council declined to subscribe it, on the most specious pretences they could alledge: And, to keep the minds of the people in proper tone, a fast was proclaimed through the city, and sermons of preparation ordained to be made that same afternoon. The minister who preached in St Giles's church chose for his theme the tribulations of the church of Ephesus; her courage and constancy under sufferings; and the glorious reward to be given to him who overcometh, 'To eat * of the tree of life, which is in the midst of the paradise of God.' He railed furiously against the King, exclaiming, that he was possessed of a devil: That one devil being put out, seven worse were

* Revelations, chapter ii.

were entered in his place : And that the subjects might lawfully 1596.
rise, and take the sword out of his hand. In the mean time, a letter was despatched by the ministers of Edinburgh to Lord Hamilton, informing him, that the citizens and godly barons, animated by God's spirit, had taken arms in behalf of the church, which they had engaged to patronize : That they wanted a nobleman, whom distinguished rank and abilities entitled to be their leader ; and, as such, they had unanimously pitched on Lord Hamilton, whom, for that purpose, they entreated to come to Edinburgh. His Lordship, instead of joining the treasonable convention at Edinburgh, repaired to Linlithgow, and showed their letter to the King. Provoked by this additional insult, his Majesty directed a charge to the magistrates of Edinburgh to incarcerate the ministers ; but they having somehow got intimation of their danger, escaped imprisonment by speedy flight.

A deputation of the most respectable burgeses, sent to the King, Dec. 27.
attempted in vain to mitigate his resentment. He came to Leith on the last of December, and his entry to Edinburgh on the following day was in this manner. The keys of the city were delivered to one of his officers ; the charge of the town was committed to the Earl of Marr, with the Lords Seaton and Ochiltree. The citizens were ordered to keep within their houses, and the streets were lined with a double file of guards, between whom the King and his train rode to the tolbooth : Nor was there a spectator to view this silent and solemn procession. A convention of estates was there assembled, before whom the magistrates humiliated themselves with the most submissive prostration. They utterly disclaimed all foreknowledge of the tumult ; declared their resolution to continue in the most diligent search for discovering its authors, that they might be brought to condign punishment ; professed the most loyal attachment to the King ; made offers, that none of the seditious ministers should be allowed to return to their charges, or others be admitted to the pastoral office within the city, but with his Majesty's approbation ;

Jan. 1.

approbation ; and that, in the election of their magistrates, they should present to his Majesty, and his Lords of Council and Session, *leets** of the persons they meant to choose, and whom his Majesty and their Lordships might approve or reject at pleasure. The earnest supplications of the magistrates, and the warm intercessions of some of the nobles, in behalf of the city, were urged in vain. The convention of estates declared the late tumult to be high treason, and that the city itself should be subjected to all the penalties of that crime, if the magistrates did not discover the authors, and inflict on them exemplary punishment. Nay, it was even proposed, that the city should be razed to the foundation, and a pillar erected on the place, as a monument of its blasted treasons.

Edinburgh was now reduced to desolation and despair. Stripped of those advantages which enrich and adorn a metropolis, the presence of the Sovereign, the residence of the supreme judicatories, and the concourse of all ranks which surround the throne, she found also her ministers fled, her magistrates degraded, and her walls themselves threatened to be levelled with the dust ; her anxiety under misfortunes was swallowed up in more alarming apprehensions of destruction.

As James's severity against Edinburgh was dictated rather by policy than inclination, Elizabeth's interposition in favour of the city afforded a decent pretext for abating his rigour. Still, however, it was resolved to prosecute the city criminally, and, for that purpose, the town-council, as its representatives, were ordered to enter themselves in ward, in the town of Perth, by the first of February. Upon their petition, however, the term for their appearance was prorogued to the first of March : And, instead of the whole council being required to surrender themselves, the appearance of thirteen of its members was declared to be sufficient, provided they were possessed of a commission, empowering them to appear for, and by appearing,

* A leet is a term in the Scots law, signifying a list of names of persons who may be chosen to bear certain offices, given by electors, to a different body of electors, to be by them rejected or approved, in whole, or in part, according to the constitution of different bodies politic, and inclination of the electors.

ing, to subject the whole council. The trial commenced on the 1596.
fifth of March. It was brought to an issue equally speedy and fa-
tal. One of the requisite number having failed to appear, advan-
tage was taken of the point of form, and the cause decided in the March 5.
manner customary when defenders fail to appear. The communi-
ty were declared rebels, and their revenues escheated.

For fifteen days the city remained in a state of anarchy *; but,
upon the supplication of the magistrates and council, and their offer
to submit themselves entirely to the King's mercy, he restored the
community against the forfeiture; exacting, however, the following
conditions, besides those already offered: That the houses which had
been possessed by the ministers should be delivered up to the King, March 21.
and the ministers afterwards live dispersed through the different quar-
ters of the city, each in his respective parish: That the town-coun-
cil house should be appointed for accommodating the court of ex-
chequer: That the town should become bound for the safety of the
Lords of Session in their persons and estates, against any attempts of
the burghesses, under a penalty of forty thousand merks; and, that
the town should pay twenty thousand merks to his Majesty †.

The King's resentment against the clergy soon abated, and he suf-
fered the degraded ministers ‡ of Edinburgh to be reinstated. The
year, which || formerly began on the twenty-fifth of March, was
now ordained to begin on the first of January. Nothing farther of 1600.
moment happened till James's accession to the throne of England.
Before his departure from Edinburgh, he went to St Giles's church, 1603.
there, as it were, to bid solemn farewell to his people. The congre-
gation assembled on so singular an occasion §, was extremely nume- April 4.
rous. The minister preached an exhortatory discourse, which the

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King

* Spottiswood's hist. p. 427—433. 442. 443.; Council reg. v. 10. p. 105. 106. III. 117.

† The citizens finding it very troublesome to keep watch in person, a guard of thirty
men was at this time appointed by the council for keeping watch in the city; Council
reg. vol. 10. p. 147.

‡ Spottiswood's hist. p. 449.

|| Scott's hist. p. 552.

§ Spottiswood's hist. p. 476.

1603. King took in good part; and, when it was concluded, his Majesty observing the people to be exceedingly affected, addressed them in the warmest language of friendship, requesting them not to be dejected at his leaving them, since, as his power to serve them was increased, his inclinations, he assured them, were not diminished.

CHAPTER

C H A P T E R II.

MANNERS of the antient Scots—Their Dress and Table—Their Houses and Furniture—Their Learning—Art of Printing—Trade—Navigation—Spirit of Chivalry, and its Effects—Religious Ceremonies—Dramatic Representations—Game of Robin Hood—Mass of Requiem—Hospitality of the Popish Ecclesiastics—Poverty of the Reformed Clergy—Discovery of Coal—Value of Money—Table of the Prices of Provisions from A. D. 1000 to 1600—Specimens of the Table of King James IV.

HISTORY affords entertainment and instruction, in so far as it delineates manners ; and its merit may be said to be proportioned to the justice and liveliness of the picture which it presents. The darkness which hangs over the period we have described, allows us to offer but a *sketch* of the manners of the people, and the prices of provisions, in the different stages of this æra.

After making allowance for the peculiarities which distinguish national characters, we will find, that the character of different people, in the same state of society, is very similar ; and that their manners improve with their knowledge in arts and sciences, till they have arrived at an acmè of refinement, which degenerates into the basest corruption. It would seem, that there is one exception to this rule, namely, in the first stage of society, when hunting and war are the sole occupations of a people ; or, at least, that such an exception is to be found among the antient Caledonians. To reject the authenticity of the poems of Ossian, we apprehend impossible ; yet, to admit such dignified sentiments, such purity of manners, as have not prevailed generally among the most polished nations, to subsist in the

earliest and most illiterate stages of society, contradicts every principle which an observation of its progress has enabled us to form. It is still more unaccountable, that with a people so pure, so honourable amidst their ignorance ; the dawn of arts, of letters, and of the Christian religion, should be accompanied with their degeneracy into gross barbarism: And that Christianity, with its introduction, should confirm, by example, the truth of the doctrine which it inculcates, ‘ That a taste for knowledge expells from a state of paradise.’ We shall not attempt to reconcile difficulties by sophistical reasoning, but will rather rest under the mortifying acknowledgement, that, although the fact undoubtedly so stands, we cannot satisfactorily account for it. The manners of the Caledonians, as represented by Ossian, are so generally known, that to describe them here would be superfluous ; nor, indeed, could justice be done to them in an abridgement. To us is left the ungracious task, to mark how widely succeeding ages, in a more advanced stage of society, deviated from the virtues of their ancestors. The feudal tenures which prevailed in Scotland ; the unlimited jurisdiction enjoyed by the greater barons over their numerous followers, many of whom were their absolute slaves, were of themselves utterly incompatible with good order ; so that, although the King had a nominal supremacy over the whole, yet he possessed not power to render his authority effectual ; and every great baron, in effect, was, in his own domains, a petty, yet absolute tyrant. In a system of government, where a few are possessed of uncontrouled authority, and where the multitude are absolutely dependent on their pleasure ; where no redress can be obtained for injuries but by applying to one tyrant to assault another ; where also the minds of the people are not enlightened nor humanized by science, and where they have neither arts nor commerce to afford them occupation ; we need hardly apply to the testimony of history to be assured of the prevalence among them of those disorders which flow from an unlimited sway of the fiercer passions : That their history was but a narrative of the various effects of cruelty, treachery, superstition, and
lust :

lust: That, of their Monarchs, from Fergus, *the second of that name*, in their ideal catalogue of Kings, down to James VI. one half perished by violent death: That towards each other they practised oppression and deceit: That they united, however, against a stranger, whom they invariably considered as an enemy: That the great barons, as they enjoyed the fruits of every thing else, so they cropped the virginity of the damsels born in their territories: And that personal courage was perhaps the only qualification which they possessed that can be ranked among the catalogue of virtues.

Even in the reign of David II. the manners of the Scots seem to have been hardly unsuitable to the foregoing description. Ambassadors from France came to Scotland, accompanied with a train of nobility, and a body of soldiers. They succeeded in their purpose of inducing the King to invade England. The state in which they found this country is accurately described by a contemporary * historian, who is by no means deemed unfavourable to the Scots. In Scotland, says he, a man of gentle manners, or honourable sentiments, is not easily to be found. He adds, that those of their country are like wild and savage people, shunning acquaintance with strangers, envious of the honour or profit of every one beside themselves, and perpetually jealous of losing the mean things they have: That hardly any of the nobility kept intercourse with the French, except the Earls of Douglas and Murray: That Edinburgh, although by this time the first city in Scotland, could not accommodate the French, many of whom were obliged to seek lodging at Dunfermline, and other towns at still greater distances: That the French knights complained grievously of their wretched accommodation; no comfortable houses, no soft beds, no walls hung with tapestry: And that it required all the prudence of the French commander, to restrain their impatience for leaving so miserable a country: That, when they wanted to purchase horses from the Scots, they were charged six, nay even ten times the price for which these horses would

* Bouchiers Froissart, vol. 1. p. 8. and 10. v. 2. p. 3. and 4.

would have been sold to their own countrymen : That, when the French sent forth their servants a-foraging, the Scots would lie in wait for them, plunder them of what they had gathered, beat, nay even murder them : That they could not find saddles nor bridles, leather to make harness, nor iron to shoe their horses ; for that the Scots got all such articles ready-made from Flanders * : That, in their military excursions, they carried along with them no provision of bread nor wine, no pots nor pans ; for that they boiled the cattle in their hides. That, upon their precipitantly quitting their camp on the borders, the English found in it the carcases of five hundred beasts, mostly deer, and three hundred cauldrons made of their skins, with the hair still on them, stretched on stakes, filled with water, and the flesh put in them, ready to be boiled : That they found also a thousand spits, with flesh for roasting, and five thousand pairs of shoes † made of raw leather, with the hair still on them.

In a period, later by two hundred years, the manner of living among the Scots was greatly improved. Upon their being defeated in the battle ‡ of Pinkey, the English found in their camp, oat-meal, oat-cakes, wheaten-bread, butter, cheese, ale, wine, and, in some of the tents, silver-plate and chalices. Still, however, their manner of living makes a wretched figure, when compared with modern refinement. It is accurately described by an Englishman who visited Edinburgh, A. D. 1598. ‘ Myself,’ says he, ‘ was at a knight’s house ||, who had many servants to attend him, that brought in his meat with their heads covered with blew caps, the table being more than half furnished with great platters of porridge, each having a little piece of foddren meat ; and, when the table was served,

* Froissart vol. 1. p. 8, and 10.; Buchanani op. v. 1. p. 152.; Holinshed’s hist. of Scot. p. 226.

† Notwithstanding this, the method of tanning leather was known, long previous to this, in Scotland ; Leges Burgorum, cap. 98. Statut. Gildae c. 41.

‡ Holinshed’s hist. of Eng. p. 988. || Morison’s itinerary, part 3. b. 3. c. 4. p. 155. and 156.

‘ served, the servants sat down with us ; but the upper mess, instead
‘ of porridge, had a pullet, with some prunes in the broth. And I
‘ observed no art of cookery, or furniture of household-stuff, but ra-
‘ ther rude neglect of both, though myself and my companion, sent
‘ from the Governor of Berwick, about bordering affairs, were en-
‘ tertained after their best manner. The Scots living then in fac-
‘ tions, used to keep many followers, and so consumed their reve-
‘ nue of victuals, living in some want of money. They vulgarly
‘ eat hearth cakes of oats, but, in cities, have also wheaten bread,
‘ which, for the most part, was bought by courtiers, gentlemen,
‘ and the best sort of citizens.

‘ They drink pure wines, *not with sugar, as the English* ; yet,
‘ at feasts, they put comfits in the wine, after the French manner ;
‘ but they had not our vintners fraud to mix their wines. I did
‘ never see nor hear, that they have any public inns with signs
‘ hanging out ; but the better sort of citizens brew ale, their usual
‘ drink, (which will distemper a stranger’s body) ; and the same
‘ citizens will entertain passengers upon acquaintance or intreaty.
‘ Their bed-steads were then like cupboards in the wall, with doors
‘ to be opened and shut at pleasure, so as we climbed up to our beds.
‘ They used but one sheet, open at the sides and top, but close at
‘ the feet *, and so doubled.’—When passengers go to bed, their
‘ custom was to present them with a sleeping cup of wine at part-
‘ ing. The country-people and merchants used to drink largely ;
‘ the gentlemen somewhat more sparingly ; yet, the very courtiers,
‘ by night meetings, and entertaining any stranger, used to drink
‘ healths not without excess ; and, to speak truth without offence,
‘ the excess of drinking was then far greater in general among the
‘ Scots than the English. Myself being at the court, invited by
‘ some gentlemen to supper ; and being forewarned to fear this ex-
‘ cess,

* The same prevails universally in Scotland at this day

‘ cefs, would not promife to fup with them, but upon condition
 ‘ that my inviter would be my protection from large drinking,
 ‘ which I was many times forced to invoke, being courteoufly enter-
 ‘ tained, and much provoked to caroufing ; and fo for that time a-
 ‘ voided any great intemperance. Remembering this, and having
 ‘ fince obferved, in my converfation at the Englifh court with the
 ‘ Scots of the better fort, that they fpend great part of the night in
 ‘ drinking, not only wine, but even beer ; as myfelf cannot accufe
 ‘ them of any great intemperance, fo I cannot altogether free them
 ‘ from the imputation of excefs, wherewith the popular voice char-
 ‘ geth them.

The hufbandmen in Scotland, the fervants, and almoft all the
 ‘ country, did wear coarfe cloth made at home, of grey or fky-co-
 ‘ lour, and flat blew caps, very broad. The merchants in cities
 ‘ were attired * in Englifh or French cloth, of pale colour, or min-
 ‘ gled black and blew. The gentlemen did wear Englifh cloth or
 ‘ filk, or light ftuffs, little or nothing adorned with filk lace, much
 ‘ lefs with lace of filver or gold. And all followed at this time the
 ‘ French fafhion, efpecially in court. Gentlewomen married did
 ‘ wear clofe upper bodies, after the German manner, with large
 ‘ whale-bone sleeves, after the French manner, fhort cloaks like the
 ‘ Germans, French hoods, and large falling bands about their necks.
 ‘ The unmarried of all forts did go bare-headed, and wear fhort cloaks
 ‘ with moft clofe linen sleeves on their arms, like the virgins of
 ‘ Germany. The inferior fort of citizens wives, and the women of
 ‘ the country, did wear cloaks made of a coarfe ftuff, of two or three
 ‘ colours, in checker work, vulgarly called Plodan †. To conclude,
 ‘ in general, they would not at this time be attired after the Englifh
 ‘ fafhion in any fort ; but the men, efpecially at court, follow the
 ‘ French fafhion ; and the women, both in court and city, as well
 ‘ in cloaks, as naked heads, and clofe sleeves on the arms, and all
 ‘ other

* Morifon’s itinerary, part. 3. b. 4. c. 3. p. 179. and 180.

† i. e. Plaiding, or plaids.

“ other garments, follow the fashion of the women in Germany’.

As almost every article of dress was of foreign manufacture, which indeed is too much the case at this day, indulgence in splendid attire, in a state that cannot be deemed commercial, was very pernicious. The excessive price of cloaths put it out of the reach of most people to gratify themselves in that species of luxury ; yet, as there are never wanting those who affect a display of finery, however unsuitable, it was found necessary to restrain* excess in dress by sumptuary laws.—Mournings † were first worn in Scotland upon the death of Magdalen of France, James V.’s Queen ; but fans in the ladies hands, and gentlemens ‡ cork-heeled shoes, are mentioned in an early period of Scottish history. Besides these, the ostrich-feather, which waved on the head ||, and the roses displayed at the knees and shoes, are numbered among the gaieties of former times.

The table, however, of a Scottish grandee, was undoubtedly superior to what has been already represented. The meats provided for royal entertainments §, in variety were considerable, in quantity were enormous. There were provided for a Christmas dinner at court, for jellies alone, five hundred ox feet, fifteen hundred sheep feet, and thirty-six cocks ; (for, of these ingredients were their jellies composed). As the French fashion was adopted in cloaths, so probably it was in cookery, which, indeed, was by this time introduced into England, where, at entertainments**, double courses were regularly served. Besides, it had already been deemed necessary in this country, to restrain the luxury of the table by a sumptuary law, prohibiting †† any, under the rank of Archbishop or Earl, to have

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at

* James II. parliament 14. c. 70. ; James VI. parliament 7. c. 113. † Scott’s history of Scotland, p. 344. ‡ Reliques of antient poetry, v. 1. p. 80. || James VI. parliament 23. c. 25. : See also the coins of James V. § Compt of the King’s household expences, made by the Bishop of Caithness comptroller, A. D. 1511. MS. General register-office for Scotland. ** Dugdale’s origines juridicales, p. 132. and 154. ; Life of Lord Herbert of Cherbury, p. 5.

†† Holinshed mentions the introduction of baked meats into Scotland, in the reign of James

at his table more than eight* dishes; of Abbot, *Lord Prior*, or Dean, above six; of Baron or Freeholder, above four; and of burghers above three. But an exception is made as to entertainments at marriages, and those given to foreigners; in which cases, no restriction is laid upon the entertainer. By this time, also, a delicacy was affected in the choice of the vessels which plenished the side-board; and the custom was introduced of ladies and gentlemen sitting † alternately at table. At an entertainment given by the Earl of Murray to the patriarch of Apuleia, A. D. 1544, the Earl, although he had a good store of silver-plate, ordered his cup-board to be furnished with Venetian ‡ chrystal glasses, and gave his servant instructions to overturn it, as if by accident, in the midst of dinner. The noise of its fall alarmed the company, who expressed their regret for the loss; but the Earl making no account of it, commanded his servant to fill the side-board anew with glasses still finer; and the patriarch affirmed that no Venetian glasses could excel them.

If their feeding was less delicate, it was, however, more substantial than that of modern times. Three flesh meals were made in a day. The tables of an English and Scottish nobleman were probably not dissimilar; at least, we are sure, that the Scottish was not the most elegant. Lord and Lady Northumberland had for their own breakfast, A. D. 1512, in time of Lent, ‘ a loaf of bread || in
‘ trenchers,

James I. that they were considered as intolerable luxury; and that the Archbishop of St Andrews prevailed on the King to allow an act to be passed *in the parliament holden at Perth, A. D. 1433*, circumscribing the use of them. That an old English chronologist should listen to a piece of groundless information, which he had some how received respecting Scotland, is by no means surprising. But we cannot help expressing our amazement, that Lord Kaimes, one of the supreme judges in Scotland, and author of many treatises on law, should have been pleased to adopt this story upon the authority of Holinshed, without giving himself the trouble to consult the Scottish acts of parliament, *or his own abridgement of the statutes*, which would have shown his Lordship that no such act ever existed, and indeed that *no parliament was held at Perth, A. D. 1433*; Holinshed’s description of England, p. 166.; Kaimes’s sketches, vol. 1. p. 336.

* Mary, parl. 5. c. 25, A. D. 1551. † Baptism of the prince of Scotland, p. 15. A. D. 1594. ‡ Holinshed’s history of Scotland, p. 334. || Northumberland household-book, p. 73. 75. and 81.

‘ trenchers, two manchetts, (so their fine loaves were called), a quart
 ‘ of beer, a quart of wine, two pieces of salt-fish, six baconed her-
 ‘ rings, four white herrings, or a dish of sprots.’ For supper, at
 which nine servants attended, who had nothing for their supper but
 the fragments, bread and drink excepted, ‘ five manchetts, a bottle
 ‘ of beer, a bottle of wine, forty sprots, two pieces of salt-fish, a
 ‘ quarter of salt salmon, two slices of turbot, a dish of flounders, a
 ‘ turbot baken, or a dish of fried smelts.’ They had for breakfast, on
 flesh days, ‘ a loaf of bread in trenchers, two manchetts, a quart of
 ‘ beer, a quart of wine, half a cheyne of mutton, or else a cheyne
 ‘ of beef boiled.’ And on grand festivals, breakfast commonly *
 consisted of brawn, mustard, and malmsey.

If it be allowable to presume, that the table was conducted in
 Scotland as in its neighbouring country, dinner, which was served
 at ten o’clock †, was announced by ‡ a flourish of trumpets, or the
 found of a horn. At grand feasts, a waxen figure, representing some
 palace or castle, was set in the middle of the table. At more mode-
 rate entertainments, *the saltfeller* occupied that space, and beside it
 a stock of bread and trenchers was placed. The table was also sup-
 plied with napkins, spoons, and knives; as for forks, they are an
 invention of a later date. It was embellished with jellies, disposed
 into artificial figures || of trees, fruits, or flowers. And the entertain-
 ment was enlivened with music; for the minstrels, who made so
 considerable a figure in England, were not unknown in this country;
 and, although they were sometimes considered as § instigators of
 riotous mirth, yet they appear to have been held in considerable
 estimation. Besides game of all sorts, they numbered among their

H 2 delicacies

* Dugdale’s *origines juridicales*, p. 155. † To prevent the natural mistake of mo-
 dern readers, we must inform them, that it was not ten at night, but ten before noon.

‡ Northumb’ house book, p. 433, and 345; Dugdale’s *orig. jurid.* p. 200. 132. 154.

|| Holinshed’s *hist. of Eng.* p. 167. § Balfour’s *practics*, p. 679; 683. James III.
 parl. 6. c. 46; Accounts of the chamberlain of Scotland, A. D. 1329, 1330, 1331, pub-
 lished by Mr Davidson, p. 17.

delicacies * swans and cranes ; in England also, pheasants and peacocks. At the same time, porpoises and sea-gulls were ostentatiously displayed at royal banquets.

In power and splendor, the Sovereign was so little exalted above the great Barons, that, till the reign of James VI. no guards attended the royal person. Far from affecting the solitary pomp of modern Princes, the Scottish Kings lived with their nobles in a state of social intercourse †, more natural, agreeable, and instructive, than those rules which modern Kings have formed to themselves, of excluding, for ever, the possibility of their having a companion or a friend.

In the qualities of the different necessaries of life, a studied gradation was contrived, proportional to the rank of the persons for whom they were intended, which did little honour to the humanity of the times. They had four different kinds of wheaten ‡ bread, the finest called Manchet, the second Cheat, or trencher bread, the third Ravelled, and the fourth, in England, Mescelin, in Scotland Mashloch. The ravelled was baked up, just as it came from the mill, flour, bran, and all; but in the Mescelin or Mashloch, the flour

* Mary parl. 5 c. 12.; King James IV. household book; Northumb. hous. book, p. 107.
104.

† The following letter, in the possession of David Bethune of Balfour, Esq; is a curious illustration of the fact.

Letter by James VI. to the Laird of Balfour: ‘ Right trusty friend, we greet you
‘ well. Having appointed the baptism of our dearest daughter to be here at Halyrood-
‘ house, upon Sunday the fifteenth day of Aprile next, in such honourable manner as
‘ that action craved; we have therefor thought good right effectually to request and de-
‘ fire you to send us such offerings and presents against that day, *as is best then in season,*
‘ and convenient for that action, as you regard our honour, and will merit our special
‘ thanks. So not doubting to find your greater willingness to pleasure us herein, *since you*
‘ *are to be invited to take part of your own good cheer*; we commit you to God. From Haly-
‘ roodhouse this tenth day of February 1598.

J A M E S R.

To our right trusty Friend the Laird
of Balfour Bethune elder.

‡ Northumberland household book, p. 14. 75.; Holinshed’s description of Eng. p. 168.

flour was almost entirely sifted from it; a portion of rye was mixed with the bran, and this composition was given to poor people and servants. Agreeably to the same invidious oeconomy, there were allowed for washing Lord Northumberland's whole body linen for a* year, sixteen shillings; for my Lady's, ten shillings; for Lord Percy's, five shillings; for the younger sons of the family, two and sixpence each; for the gentlemen, attendants on Lord Northumberland, two shillings each. As for those of inferior rank in his Lordship's family, they appear to have had no body-linen at all.

Their lodging, both in respect to houses and furniture, afforded the most wretched accommodation. Froissart introduces a Scotsman speaking in these terms: 'For though the Englishmen burn † our houses, we care little therefor. We shall make them again cheap enough. We are but three days to make them again, if we may get four ‡ or five stakes, and boughs to cover them.' It appears, that, in ‡ the reign of James I. the houses within borough were not above twenty feet high. And, even in the sixteenth century, churches were generally || covered with thatch. The house of a baron, for the most part, consisted of a narrow square tower, with some mean building adjacent. The walls, which were of an immense thickness, the figure of the building, and the choice of situation, all conspire in pointing out the sole idea which regulated the construction of their houses, to have been that of resisting assault. The meanness of their houses did not arise from a want of knowledge in masonry, but from absolute ignorance of every art or refinement in domestic life. The ruins of the castle of William § the Lion are still extant, and appear the remains of a considerable edifice. Upon the top of the fortress, the statue of that Prince was erected, which Gothic neglect, in this present century, suffered to tumble down, and to be broken by the mouldering of the ruins. The abbey of Dunfermline,

* North. hous. book, p. 350.; † Froissart, vol. 2. p. 3.; ‡ James I. parl. 4. c. 73.;

|| Records of privy council, 13th September 1563.; § Redcastle, between Montrose and Arbroath.

line, begun in the eleventh, those of Melrofs * and Arbroath, and the Cathedral of St. Andrews, begun in the twelfth centuries, display in their ruins the magnificence of their architecture. Besides Edinburgh and Stirling castles, the Kings of Scotland had royal residences at Holyroodhouse, Linlithgow, Falkland, Dunfermline, and Scoon.

As for household furniture, they possessed few things, which, in the present times, could claim to be ranked in a servant's hall. Queen Mary brought with her from France †, arras hangings, carpets, and various kinds of household furniture; and it is uncertain if these were known in Scotland at an earlier date; even then they were so rare and valuable, as to be used only upon high ‡ festivals, after which the hangings were taken from their tenter-hooks, and carefully deposited, till returning Christmas. The walls, for the most part, discovered the naked stones; they were sometimes, however, lined with wood, and || embellished with poetical inscriptions. As for their beds, they have been spoken of already. The only furniture in the hall of a great baron was large standing tables, forms, and cupboards, without locks or keys. They eat mostly out of wooden dishes, which they called *tren plates* §; used wooden or horn spoons, and drank out of wooden cups. To see silver, except in monasteries or cathedrals **, was a miracle; and even pewter-vessels were esteemed so rare and costly, as to be used only upon Christmas and †† other high festivals. Wretched as these articles were, it would appear that Scotland could not produce them. It behoved these to be purchased in a foreign country. In A. D. 1430, eight dozen of pewter dishes, a hundred dozen of wooden cups ‡‡, a bason and ewer, three saddles,

* Keith's catalogue of Bishops, p. 246. 250. 254.; † Holinshed's hist. of Scot. p. 377.

‡ By the regulations for Lord Northumberland's household, charcoal 'must be purveyed all at once, for to serve in time of Christmas next, which is because the smoke of the sea coal would hurt mine arras.' Northumb. hous. book p. 21. || Ibid. p. 453. § Ibid. p. 157.

442.; Holinshed's descript. of England, p. 188. 189. ** Keith's catal. of bishops, p. 74.

77. †† Northumberland household book, p. 157. 158. ‡‡ Rymer's Foedera, vol.

10. p. 470.

saddles, a dozen skins of red leather, five dozen ells of woollen-cloth, and twenty casks of wine, were imported from London for the use of the King of Scots. If their furniture was mean, it was equally scanty; for, when a great baron removed from * one of his houses to another, he † found it necessary to carry along with him his beds, hangings, kitchen furniture, &c.

Their manner of living affords us the agreeable reflection of the benefits arising from industry, when applied to arts and sciences, to commerce and agriculture. For now a private gentleman, of moderate fortune, is accommodated with much more commodious, elegant, and even rich furniture, and his table is supplied with more elegance, although less profusion, than could have been enjoyed by a Lord of the sixteenth century, whose ample fortune, numerous attendants, and affected pomp, resembled more the dignity of an independent sovereign, than the condition of an illustrious subject.

Under the name of taking of *caulpes*, gentlemen of family exercised a very mean species of oppression. The chiefs of clans, from a fiction that those of their name had got their best moveables for their chieftain's defence, or from his bounty, thought, that when their namesake was dead, they might ‡ resume those moveables, as being no longer in hands fitted to use them in the chieftain's defence. On this presumption, which, by the bye, was notoriously false, when any person died, his chief wrested from his executors the best horse, ox, &c. belonging to the deceased; and this with such oppressive violence, that ploughs were frequently stopped, the cattle

unyoked

* Father Hay, a descendant of the family of Roslin, who wrote in the end of the last century, is pleased to furnish the halls at Roslin, in the reign of James I. with embroidered hangings; to serve that illustrious baron in gold and silver plate, and to attire his very numerous attendants in velvet or cloth of gold. After what has been said of the manner of living among the Scottish Kings, and the Scottish and English nobility, at a much later period, and, after considering the enormous price of cloaths, we have not the smallest hesitation in rejecting this account, as a most extravagant romance; F. Hay's MS. v. 2. p. 33. Advocates Library.

† Northumberland household-book, p. 15.
VI. parl. 22. c. 21.

‡ James IV. parl. 2, c. 18.; James

unyoked and carried off by those rapacious chieftains. As generally four or five families contended for the chieftainship of every clan, each of them asserted his *dignity* by robbing his imaginary vassals, to the laying waste of farms, and stopping the culture of the ground. Repeated acts of the legislature were in vain enacted to suppress this mean, yet sanctified robbery.

Of letters they were extremely destitute. As few among the nobility or gentry could write, the use of seals, which they appended to deeds, supplied the defect. The scantiness and barbarity of their native tongue occasioned not only the more solemn deeds, but the chamberlain's accompts, and even the household books of the Kings, to be written in Latin. And, at the same time, that some of their historians attained to purity and elegance in that language, they could, with admirable facility, when at a loss for a Latin phrase, supply the defect, by bestowing upon an English word a Latin termination. Their histories, although otherwise possessing considerable merit, were every where interspersed with the most extravagant fictions, which could be engendered by credulity and superstition. But they seem to have chiefly valued themselves upon the composition of short quibbling Latin verses, each of which contained a double rhyme *, a monotony extremely disgusting; yet in this their whole wit and merit consisted. The celebrated preceptor of James VI. was the first among them who possessed classical taste, or poetic genius. He wisely chose, however, the Latin language for the communication of his ideas. And, till the last century, few of their authors ventured to express themselves in English. A few of their ballads remain, of an earlier period, possessing considerable merit; the qualities in which they excelled were the tender and pathetic.

Although universities were established in Scotland in the beginning of the fifteenth century; yet, so little were the people disposed

to

* Out of thousands, the following well known specimen is laid before the reader:

‘ Ni fallat fatum Scoti quocunque locatum,

‘ Invenient lapidem regnare tenentur ibidem.’

to reap the advantages arising from seminaries of education, that, at the distance of near a hundred years, it was found necessary to enact, that every baron or freeholder of substance should* put *his eldest son and heir to school*, there to remain till he should acquire thorough knowledge in Latin; and afterwards to the study of philosophy and law, that he might be capable to officiate as a judge-ordinary, and to decide justly between man and man.

Printing, of all arts the most conducive to the advantage of literature, which had been invented in the middle, and introduced † into England in the end, of the fifteenth century, was first exercised in Scotland in the beginning of the ensuing; and in the year 1540, the acts of the Scottish ‡ parliament were ordained to be printed. An art which tended to spread facts, and diffuse opinions so widely, soon became an object of jealousy both to church and state. Compositions serious and ironical, poetical and prosaic, having been directed against the old religion, a prohibition was issued against printing, without || royal licence, all ballads §, rhimes, *tragedies*, or

I other

* James IV. parliament 5. c. 54.

573.

† James V. parliament 7. c. 127.

† Ames's typographical antiquities, p. 1. 2.

|| Mary, parliament 5. c. 27.

§ The following specimen of the ballads which offended Queen Mary, is submitted to the reader.

I.

IV.

With hunts up, with hunts up,
It is now perfect day;
Jesus our King is gone a hunting,
Who likes to speed, they may.

The hunter is Christ, that hunts in haste;
The hounds are Peter and Paul:
The Pope is the fox: Rome is the rocks,
That rubs us on the gall.

II.

V.

An cursed fox, lay hid in rocks
This long and many a day,
Devouring sheep, while he might creep;
None might him shape away.

That cruel beast, he never ceas'd
By his usurped power,
Under dispencc, to get our pence,
Our souls to devour.

III.

VI.

It did him good to lap the blood
Of young and tender lambs;
None could him miss; for all was his,
The young ones, with their dams.

Who could devise such merchandise,
As he had there to sell,
Unless it were proud Lucifer,
The great master of Hell?

VII.

other books whatever. The reformed religion being established, the general assembly, whose censures succeeded in Scotland to the exploded thunder of Rome, took the press under their direction; prohibited all books concerning religion to be printed, till the printers had obtained †, not only licence from the civil magistrate, but also the approbation of the church. And accordingly, a printer having published a book, wherein the King was entitled ‘Supreme head of the Church,’ and a psalm-book with a *baudy song* at the end of it; they ordained the printer to call in all the books he had sold, and to dispose of no more copies, till he had cancelled the title-page, and the *baudy song*. Although this art was encouraged in its infancy, by an exclusive privilege, being by royal patent bestowed on printers, of vending or reprinting, for a limited period, those † books which they had published; yet the occupation seems to have been by no means profitable: For even the King’s printer, who, at that time, was also printer to the church, was in such distressed circumstances, as to be obliged repeatedly to implore || assistance from the church; which, at last, on account of his poverty, the great expence he was put to in purchasing types, and his zeal for religion, appointed him a salary of fifty pounds § a year.

Scotland traded chiefly with the Netherlands. The articles of her export were wool, wool-fells, hides, coal, and salted salmon. Of coal, indeed, there was little exported; for such was their ignorance in the manner of working coal, and particularly in constructing engines

VII.

He had to sell the Tantonie bell;
And pardons therein was.
Remission * of sins in old sheep-skins,
Our souls to bring from grace.

VIII.

With bulls of lead, white wax, and red,
And other whiles with green,
Closed in a box, this used the fox;
Such poultry was never seen.

† Book of the universal kirk. MS. p. 19. July 27. 1563, p. 90. July 7. 1568. † Ames, p. 575 || Ames, p. 581. book of the univ. Kirk, p. 112. 8. March 1569. § See B. 3. c. 4.

* Godly and spiritual songs; first printed by Andrew Hart; reprinted by Ruddiman and Richardson, A. D. 1765.

gines* for drawing of water, that a perpetual jealousy of the loss of coal was entertained, the exportation of it discouraged †, and at last totally prohibited. The articles which she imported were innumerable. Among them may ‡ be reckoned iron, lead, haberdashers ware, horses furniture, military instruments, nay even wooden-dishes, and cart-wheels. As for bows, spears, and other military weapons, the importation of them was enjoined by law. In the reign of James V. § cannon were first made in § Scotland, and the maker was liberally rewarded by that Prince.

From the situation of Scotland, a knowledge in the ruder arts of navigation behoved to be coeval with its being first inhabited. The vessels of the Caledonians were a species of large open boats, of which the skeleton was of ** light wooden timbers, ribbed with a texture of smaller pieces of wood, and covered with hides. These were furnished with masts and sails; the sails were expanded hides, which they never furled, and their tackle was composed of leathern thongs. These, however, were laid aside for a cordage, composed of twisted rushes; and hence the remnants of a cable are still denominated by our sailors a piece of old junk ††. It is probable, that these rude vessels gradually fell into desuetude after the Roman invasion, and that our ancestors fashioned their ships after those of the invaders. Still, however, they were occasionally used even in the ninth ‡‡ century; and they were frequently of so small a size, that two ox-hides and a half were sufficient for covering a vessel.

I 2

In

* The predecessor of the first Earl of Balcarras having invented an engine for drawing of water, obtained from James VI. the sole privilege of erecting that species of engine for twenty-one years. In this patent, the decay of coal, through the abounding of water in the coal-mines, is strongly set forth; Patent by James VI. in archives of the family of Balcarras.

† Mary, parl. 9. c. 84.; James VI. parl. 15. c. 253. ‡ Rymer's *Faedera*, v. 10. p. 470. 615.; Anderson's origin of commerce, v. 1. p. 146 235. 253. 258.; James I. parl. 3. c. 47.; Froissart, v. 2. p. 4. § Holinshed's history of Scotland, p. 293.

§ The cannon which was in Edinburgh castle bore this inscription:

• *Machina sum Scoto Borthuik fabricata Roberto.*

** Whitaker's history, v. 1. p. 380. †† From *Juncus*, a rush. ‡‡ Wareus de *Antiquitatibus Hiberniae*, ex Florentio Wigornienfi, p. 84

In the beginning of the twelfth century, navigation* was so considerable, that a duty on shipping formed a part of the royal revenue. Yet so insufficient were their ships, so unskilful their mariners, at a much later period, that it was impossible to sail in the winter-season without the utmost hazard of shipwreck. An old ballad represents the Scottish admiral and his crew† as overwhelmed with consternation, upon receiving orders from the King to sail in that tempestuous season. Neither was their fear groundless; for the very next day the vessel was cast away in the Forth, and all on board perished. And it was found necessary to restrain the hardness of individuals, whom the love of gain tempted to trust their bark to the fury of the waves, by prohibiting vessels from being navigated‡ from the end of October to the beginning of February. James IV. fitted out several large ships, which, from his romantic ideas of chivalry, he dedicated to the service of the Queen of France. One of them, in particular, is|| said to have been the largest that had hitherto sailed the seas. It is somewhat remarkable, that there are but three celebrated captains mentioned in Scottish story, Sir Patrick Spence, Sir Andrew Wood, and Andrew Barton, of whom the two first perished in storms, the last in a naval engagement with the English.

The most striking feature in the character of the æra we describe, is that spirit of chivalry which sprung up in the middle ages. It seems to have originated from superstition, and from notions of honour equally romantic in love and war. It claims our attention, by its important and immediate effects upon the ages in which it flourished, as well as its remote consequences to their posterity, on whose ideas and manners it has stamped an impression hardly to be eradicated. The more immediate and sensible effects which chivalry

* City cartulary of Edinburgh, v. 4. box 6. bundle 1. No 1. † Reliques of ancient poetry, vol. 1. p. 79. ‡ James III. parl. 2. c. 15.; James IV. parl. 2. c. 14.; James V. parl. 2. c. 25. || Drummond's history, p. 64. 69. 71.; Anderson's origin of commerce, v. 1. p. 341.; Reliques of ancient poetry, v. 1. p. 80.

valry produced, may be classed under judicial combats, duels, and tournaments. We are aware that this arrangement is liable to exception, and that it may be said that judicial combats were approved in nations and ages where the spirit of chivalry was never diffused. But, if they shall not be reckoned a branch of chivalry, they at least were strongly abetted by its romantic ideas; we hope, therefore, to be pardoned for this mode of arrangement.

Our ancestors, like most northern nations strongly addicted to divination, imagined that the * Deity would miraculously interpose in behalf of innocence, upon the solemn appeals made to him upon accusations, by trial by judicial combat, or by fire or water ordeal. These modes of trial are established by nearly † our earliest authentic records. The precincts of the royal palace formed the theatre of those martial appeals; the Sovereign, with the chief justiciary ‡, and lord high constable, the tribunal. Yet they were sometimes held before judges, commonly ecclesiastics, to whom the King had deputed that branch of jurisdiction. The combatants, armed at all points, entered the lists by sun-rise; and an immense multitude of spectators beheld, in deep silence, the contest for exculpation and victory. The combats were sometimes protracted to a very late hour; for, if the accused could defend himself till the setting-sun, he was deemed innocent, and his accuser branded with infamy. Even in the reign of James V. an instance || occurs of this species of trial being held before the King at Edinburgh.

In England, recourse was had to judicial combat, in matters of § property; and it still remains a speculative part of the English jurisprudence. This mode of trial also prevailed in Scotland, in civil cases; but, in the fourteenth ** century, it was restricted solely to crimes.

* Dugdale's orig. jurid. p. 65. † City cartulary of Edinburgh, v. 4. box 6. bundle 1. No 1. A. D. 1128. ‡ Quoniam Attachiamenta, c. 74; City cart. of Edin. ut supra. Dugdale's orig. jurid. p. 77. || Drummond's hist. p. 105. § Blackstone's commentary, v. 3. p. 338. ** Reg. Maj. lib. 3. c. 1, 13, chamberlain of Scotland's account, append. 2. No. 2. statut. Robert, 3. c. 16.

crimes. Trials by fire and water ordeal, also formed * a part of the barbarous jurisprudence of antiquity, which, like many popular systems, had nothing to recommend them but absurdity. Fire ordeal was undergone, by taking up in the hand a piece of red hot iron, of one, two, or three pound weight ; and the *burned hand* demonstrated the guilt of the criminal ; or, by walking blindfold and barefooted over nine red hot plough-shares, laid at unequal distances. If the party escaped unhurt, he was deemed innocent ; if otherwise, guilty. Water ordeal was performed by plunging the arm in boiling water ; the decision as in the former ; or, by throwing the accused into a pond or river. If he floated without any action of swimming, he was *deemed guilty ; if he sunk, innocent*. And hence the custom of ducking those suspected of witchcraft, which continues among the rabble almost to this day.

The origin of private duels from judicial combats is palpable ; as in public crimes, these were appealed to as decisive between guilt and innocence ; so in private insults, an appeal, similar in its warlike spirit, and uncertain event, was made for the reparation of injured honour. In the latter stages of the aera we describe, duels, not only in Scotland, but all over Europe, flourished in all their absurdity. In this country they had become so frequent †, and upon such trivial occasions, that, although formerly tolerated, it was found necessary to impose on them this restriction, *that they should not be fought without royal licence*. At this time the duellists fought with weapons in each hand ; and there are instances of their rushing against each other with such fury ‡, that, in the first assault, both weapons were plunged in the bodies of each of the antagonists. A French gentleman, asking in marriage a young lady, the niece and heiress, from her uncle, met with a rebuff in these terms : ‘ Friend,

‘ it

* City cart. of Edinburgh, *ut sup.* Blackstone's commentary v. 4. p. 336. 337.

† James VI. parliament 16. c. 12.

‡ Wilson's life of K. James, p. 50.

‘ it is not time yet to marry * ; I will tell you what you must do ;
 ‘ if you will be a brave man, you must first kill, in single combat,
 ‘ two or three men, then afterwards marry and engender two or
 ‘ three children, *or the world will neither have got nor lost by you.*’
 Although we may lament the dismal consequences which flowed
 from this romantic and ferocious spirit of duelling, when it flourish-
 ed in all its extravagance ; yet we cannot help observing, that it has
 been productive of very important and beneficial consequences ; as
 it introduced a politeness and humanity of manners, a jealous watch-
 fulness of honour, which had never hitherto prevailed in any stage
 of society. A pure virtue, unaffected by passion, and incorrup-
 tible by interest, although it may be found in an individual in an
 age ; yet it has never been so general, in any stage of society, as to
 be productive of material and universal influence. We may, there-
 fore, think ourselves happy by the introduction of honour to its aid ;
 a principle little less meritorious in itself, and, when stripped of the
 romantic ideas which were once entertained concerning it, is pro-
 ductive of nearly as many good consequences to society.

The spirit of chivalry displayed itself in their amusements, as well
 as in their serious transactions. In this country, tournaments † are
 of great antiquity ; they were held in Edinburgh in the reign of
 William the Lion, and in those of many of the succeeding Princes.
 The valley or low ground ‡, lying between the wester-road to Leith
 and the rock at Lochend, was bestowed by James II. on the commu-
 nity of Edinburgh, for the special purpose of holding tournaments,
 and other martial sports. And those feigned conflicts, emblems of
 real battle, sometimes ended not without bloodshed.

Tournaments were generally held by royal appointment, and pro-
 clamations of them made at court, sometimes also at the courts of for-
 eign princes. Those who tilted, came forth equipped in compleat
 military array ; their armorial || bearings depicted on their shields,
 furcoats,

* Life of Lord Herbert of Cherbury, p. 64.

† Nisbet's heraldry, p. 3. 7.

‡ Index to the city cartulary of Edinburgh, v. I. p. 684. || Drummond's history, p. 69,
 74.; Nisbet's heraldry, p. 8.

furcoats, and the caparisons of their horses. The Esquires rode before their respective knights ; each carrying in the right hand his knight's tilting spear, in the left, his helmet and crest, adorned with filken streamers, the favours bestowed on them by their mistresses ; for each knight behoved to have a lady to whose service he was totally devoted, whose patronage he invoked, and whose charms * inspired him in the hour of battle, although he had never seen the damsel. The spot allotted for the tournament was inclosed with wooden rails, and the gates formed of high bars ; and hence the cheveron and the saltire, the bend, the bar, and the pile, which occur so often in heraldry, are supposed to have taken their rise. When the knights came up to those barriers, they announced their approach by the found of a trumpet or blast of a horn ; upon which the heralds came forth and recorded the names and armorial-bearings of the knights. Then their arms were hung on a tree, or perhaps upon the barriers, that those competitors for glory might be known to the knights, the judges, and the ladies, whom the heralds obligingly assisted in explaining the arms, and in describing their owners. A knight traversing the field, singled out, from among the different arms, those of the person with whom he wished to combat. And he signified by what weapon he meant to fight, by ringing with one of that sort upon the shield of his antagonist. That each knight might know by whom he was challenged, his servants or pages attended his shield in such fantastical disguises of moors, savages, or monsters, as was agreeable to the fancy of their master ; from which the custom of wearing supporters at coats of arms originated. The knights assumed fictitious names ; for instance, James IV. sent forth his defiance under the name of *the savage knight*, another under that of *Le Sieur de la beauté*. Animated with,

* James IV. professed himself the knight of Queen Ann of France. Urged by her, he fitted out large ships, and sent them against his brother-in-law Henry VIII. which occasioned the quarrel that terminated in the fatal battle of Flowden. James's Queen dissuading him from that unfortunate expedition, asked him if the letters of the Queen of France, a woman whom he had never seen, ought to have greater influence with him, than the tears of his wife, and the entreaties of his people ? Drummond's history. p. 72. 74.

with the found of bag-pipes, they rushed to those mock rencounters, which, however, were sometimes attended with considerable bloodshed.

After what has been said in the former chapter concerning the rise and progress of reformation, we now, when treating of the religion of our ancestors, mean to confine ourselves chiefly to its forms and ceremonies. Sentiments of religion, when unaccompanied with a spirit of enthusiasm, soon become languid, unless aided by those external and adventitious circumstances of show, times, and forms, which enliven the languishing spirit of devotion; yet reverence for these is commonly termed superstition.

Those ceremonies, except such as are perfectly trivial, have a tendency to excite either cheerful or gloomy ideas, and as such are advantageous or hurtful to mankind. For nothing tends more to sour the temper, to depress our nature and render it abject, than that gloom which the votaries of our religion have so erroneously spread over the system of purity and truth which has been revealed to modern ages.

It has been pretended, that the Christian faith was publicly * embraced in Scotland in the beginning of the third century. Although its doctrines might possibly, by that time, have been preached in this country †; yet, in consistence with truth, they cannot be said to have been generally received, far less publicly established, till a considerably later period. Before that, our ancestors seem to have entertained no conceptions which can properly be called religious. They supposed, however, that the souls of the departed did exist in a state of peaceful ‡ solitude and gloom; and that, *in their clouds*, they hovered round and contemplated their friends and posterity on earth. They also formed to themselves ideas of superior beings, which yet were scarcely the objects of their terror, far less of their love. About the end of the third century, the most ce-

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lebrated

* Spottiswood's hist. p. 2.
hist. of Roman Empire, p. 512.

† Macpherson's dissert. on Ossian, p. 6. 7.; Gibbons's

‡ Ossian's works.

lebrated of our ancestors * is said to have disputed with a Christian missionary. In the following century, Regulus, a canonized missionary, is supposed to have arrived in Scotland †, and to have had lands conferred on him in the neighbourhood of St Andrews; where the ruins of a church, of great antiquity, bearing his name, are still to be seen.

In the reign of William the Lyon, the holy-day of Sabbath was ordained to commence on ‡ Saturday by twelve at noon, and thenceforth till Monday, all profane labour was prohibited. This time, however, was set apart for the purposes as well of recreation as of devotion. Butts were enjoined to be erected in the neighbourhood || of churches, and archery to be practised on holy-days. Sunday was also the principal day for games and sports, the most of which were so intimately § connected with religion, that a description of them may not be improper: Nay, the theatre, which, in the canting phrase of modern fanaticism, is styled the temple of the Infernal Daemon, originated solely ** from the church. The subjects were scriptural, the clergy the composers, the church was the stage, and Sunday the time of exhibition. Plays, however, were afterwards composed upon profane subjects; were performed in the open air, and frequently †† exhibited scenes of the grossest indelicacy.

In the dark ages, religious spectacles were exhibited, representing in dumb show, or, perhaps, with short speeches intermingled, the most interesting scenes in the history of our Saviour; such as the incarnation, passion, and resurrection; or, perhaps, the lives and miracles of the saints. These representations, from the mysterious nature of their subjects, acquired ‡‡ the appellation of MYSTERIES; and

* Macpherson's dissert. on Ossian. † Spottiswood's hist. p. 5. ‡ Balfour's Practicks, p. 683. || James I. parl. 1. c. 18. § Reliques of antient poetry, v. 1. p. 130. 141.; Northumberland household, book p. 44.; Book of the universal kirk, p. 145. ** We speak not of the antient drama. †† See appendix, No. 1. ‡‡ Reliques of antient poetry, v. 1. p. 128, et seq.; Don Quixote, part 2, c. 11.

and in them, allegorical personages, such as *Sin*, *Death*, &c. were frequently introduced. By degrees, dramatic pieces were formed, consisting entirely of such personifications, and these were entitled MORAL PLAYS, or MORALITIES. These were sometimes of a solemn, sometimes of a humorous nature, approaching nearly to the distinction between tragedy and comedy. In the sixteenth century, moralities were formally divided into acts and scenes, and introduced with a regular prologue: And they appeared under the classical names of Tragedy and Comedy. Some of them were called sacred comedies, such as, *The NATIVITY OF OUR SAVIOUR* *, *The MASSACRE BY HEROD*, &c. So early as the fourth century, a dramatic performance, entitled, *CHRIST SUFFERING, A TRAGEDY, OR RATHER TRAGI-COMEDY*, was written in Greek by Gregory of Nazianzen, † Bishop of Constantinople. In the beginning of the twelfth century, a religious spectacle, entitled, *A MIRACLE PLAY OF ST CATHARINE*, was composed by the ‡ Abbot of St Albans, and acted at Dunstable, which was probably the first exhibition of the kind represented in this island. These representations soon became frequent in England, and it is probable they were soon afterwards introduced into this country. In the beginning of the sixteenth century, they were so common and so popular in Scotland, that it became a proverbial expression, when part of a company were expected, ‘Where are || the rest of the players?’ And the number of players was so considerable as to § be complained of as a nuisance. In great houses the chaplain was commonly the author of these holy plays, from which they got the appellation of ** Clerk’s plays, and the menial servants, or retainers to the family, were the performers. They frequently strolled †† from house to house, particularly at Christmas, the principal season of those festive sports, and

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received

* Reliques of antient poetry, v. i. 372. † Sancti Gregorii Nazianzeni opera, vol. 2. p. 253. ‡ Reliques of ant. poet. v. i. p. 371. || Knox’s hist. p. 15. § Book of universal kirk, p. 488. ** Ibid, p. 145. †† Northumberland household book, p. 340.; Reliques of anc. poet. v. i. p. 139.

received considerable gratuities. Hence may be evidently deduced, the custom still retained in this country, among young people of the lower class, of going, at that season, from house to house, in fantastic * habits, endeavouring to amuse, by repeating of bombast speeches, and craving some trifling gratuity.

Theatrical representations came not to be restricted to religious subjects; and, when these spectacles ceased to address themselves to the superstitious conceits of the rabble, they gratified them in all the indelicacies † which were agreeable to the vulgar appetites of so unpolished a people. Even in the writings of the sublime SHAKESPEARE, a low buffoonry runs through them, which could only have arisen from the corrupt taste of the age. But the generality of these performances, which have been consigned to deserved oblivion, and which used to be exhibited before the multitude in the open ‡ air, were full of the grossest indecencies ||.

In England, theatrical representations continued to be § exhibited in churches, and on the Lord's day, till the end of the sixteenth century. But, in Scotland, the church, soon after the reformation, prohibited plays to be made ** upon any subject in the canonical scriptures; prohibited plays of every sort from being acted on Sunday; and some time afterwards she attempted *altogether* to abolish theatrical representations, and threatened with excommunication †† those who should attend them; but was obliged to rescind her threatenings by command of the King.

Besides those theatrical representations, the populace amused themselves with other games, which, either in the source from
which

* The custom observed by the common people in Scotland, at this hour, of the bride giving to the bridegroom a wedding shirt, is also of great antiquity, and was formerly used among people of rank; Reliques of ant. poet. v. 1. p. 325. † Manuscript play in possession of David Garrick, Esq; App. No. 1. ‡ The place where these performances were exhibited, was called the *Play Field*. Few towns of note were without them. That of Edinburgh was at the *Greenside-well*: That of Coupar of Fife was on their Castlehill.

|| See appendix, No. 1.

§ Reliques of antient poetry, v. 1. p. 141.

** Book

of Universal Kirk, p. 145. 161.

†† Spottiswood's history, p. 456.

which they originated, or the end to which they were directed, seem not to have been unconnected with religion. Of these, the chief were the game of *Robin Hood*, and that of the *Abbot of Unreason*.

The celebration of games by the populace, in honour of their Deities and heroes, is of the greatest antiquity, and formed the principal part of the Pagan religion. The *Floralia** of Rome seem to have been continued with our forefathers, after the introduction of Christianity, under the title of *May-games* †, *King or Queen of May*. As the memory of the original heroes of those games had been long lost, it was extremely natural to substitute a recent favourite ‡, in room of an obsolete heathen deity. Robin Hood, a bold and popular outlaw of the twelfth century, by his personal courage, his dextrous management of the bow, and by displaying a species of humanity and generosity in supplying the necessities of the poor with the spoils he had robbed from the wealthy, became the darling of the populace. His achievements have been celebrated in innumerable songs and stories. As for the game which has been instituted to his honour, it is not so easy to describe what it was, as how strongly it was the object of popular attachment.

The game of *Robin Hood* was celebrated in the month of May. The populace assembled previous to the celebration of this festival, and chose some respectable § member of the corporation to officiate in the character of *Robin Hood*, and another in that of *Little John*, his squire. Upon the day appointed, which was a Sunday or holy-day, the people assembled in military array, and went to some adjoining field, where, either as actors or spectators, the whole inhabitants of the respective towns were convened. In this field they probably

* Εἰχων ἀληθινῇ, p. 13.

† The custom observed at this day in England, of dancing about May poles, and of carrying through the streets of London pyramids of plate adorned with garlands, undoubtedly originated from the same Pagan institution.

‡ Reliques of antient poetry, v. 1, p. 81.; Mary, parl. 6, c. 61. A. D. 1555.

§ Council register, v. 1. p. 30.

probably amused themselves with a representation of Robin Hood's predatory exploits, or of his encounters with the officers of justice. A learned prelate preaching before Edward VI. observes, that he once came to a town upon a holy-day, and gave information on the evening before of his design to preach. But next day, when he came to the church, he found the door locked. He tarried half an hour ere the key could be found; and, instead of a willing audience, some one told him *, ' This is a busy day with us; we cannot hear you. It is Robin Hood's day. The parish are gone abroad to gather for Robin Hood. I pray you let (i. e. hinder) them not. I was fain, (says the Bishop), to give place to Robin Hood. I thought my rochet should have been regarded, though I were not; but it would not serve; it was fain to give place to Robin Hood's men.'

As numerous meetings for disorderly mirth are apt to engender tumult, when the minds of the people came to be agitated with religious controversy, it was found necessary to repress the game † of Robin Hood by public statute. The populace were by no means willing to relinquish their favourite amusement. Year after year the magistrates of Edinburgh were obliged to exert their authority ‡ in repressing this game; often ineffectually. In the year 1561, the mob were so enraged at being disappointed in *making a Robin Hood*, that they rose in mutiny, seized on the city-gates, committed robberies upon strangers; and one of the ring-leaders being condemned by the magistrates to be hanged, the mob forced open the jail, set at liberty the criminal and all the prisoners, and broke in pieces the gibbet erected at the cross for executing the malefactor. They next assaulted the magistrates, who were || sitting in the council-chamber, and who fled to the tolbooth for shelter, where the mob attacked them, battering the doors, and pouring stones thro' the windows. Application was made to the deacons of the corporations to appease the tumult:

Remaining,

* Latimer's sermons, p. 73. A. D. 1550.

† Mary, parliament 6. c. 61. A. D. 1555.

‡ Council register, v. 4. p. 4. 30.

|| Knox's history, p. 270.

Remaining, however, unconcerned spectators, they made this answer: ‘ *They will be magistrates alone ; let them rule the multitude alone.*’ The magistrates were kept in confinement, till they made proclamation be published, offering indemnity to the rioters upon laying down their arms. Still, however, so late as the year 1592, we find the General Assembly complaining of the profanation of the Sabbath, by making * of *Robin Hood plays*.

The Abbot of Unreason, is the person who in England was known by the name of Abbot of Misrule, and, after the reformation †, by that of Lord of Misrule. He presided over Christmas gambols with dictatorial authority ; and, by an address or epilogue which he made, he closed those scenes of festivity. The Abbot of Unreason was also a farcical character in interludes. Under the garb of a dignified clergyman, he entertained a licentious rabble with his absurdities.

Among their more solemn religious ceremonies, may be reckoned the annual commemoration of the dead : As, according to the Romish ritual, the death of our Saviour, and of the saints and martyrs, was annually observed with religious solemnities ; and, as the pray-ers of the faithful, in behalf of departed souls, were presumed to avail at the throne of grace, it became extremely natural to institute an act of worship, which, while it revived the tender, melancholy idea of a departed friend, was believed to operate in his favour, as an expiatory sacrifice. This rite ‡ was termed a *funeral mass of requiem*. Upon the eve of the day of celebration, the nearest relation to the deceased kept *Dergen*, a word expressive of the nature of the ceremony, which consisted chiefly in uttering mournful lamentations, and which probably had a similar signification to the word *Dirge*. And, on the morrow, the mass of requiem was performed. It was held so efficacious towards redeeming the soul from the penalties

* Book of universal kirk, p. 414. † Northumberland household-book, p. 344. 441. :
Dugdale’s orig. jurid. p. 156. ; Knox’s hist. p. 115. ‡ Northumberland household-
book, p. 336. 437.

nalties of sin, that, not only were great sums bequeathed to the church for the celebration of those masses, but lands were also bestowed * by the Sovereign on civil corporations, for which no other reddendum was exacted, than the annual celebration of a funeral mass for the King's soul, and for those of the departed and succeeding monarchs.

A practice grossly superstitious prevailed in the northern parts of Scotland, till the end of the sixteenth century. It fell, indeed, nothing † short of Daemon-worship, and was undoubtedly the remains of Paganism. Farmers left a part of their lands perpetually untilld and uncropt; this spot was dedicated to the Devil, and called *the Goodman's croft* ‡. This monstrous superstition the church, in A. D. 1594, anxiously exerted herself to abolish. This was not the only instance in which the church testified the extremity of her abhorrence at superstition. The singing of carols at Yule, (i. e. Christmas) was prohibited as idolatrous ||. Funeral sermons, and the erecting of grave-stones, were discharged as superstitious. Nay, the General Assembly ordered the church of Restalrig to be demolished, as being *a monument of idolatry*.

The benefits derived from abolishing the authority, and eradicating the corruptions of the church of Rome, were not unallayed with temporary disadvantages. Of these the chief may be reckoned, the depriving of an immense multitude of people of their means of subsistence. The Popish Clergy, whose liberal endowments had enabled them to display their eminent hospitality, were now enrolled on the poors list, to receive the alms of those § very churches, whose stipends they had formerly exacted. It became a matter of conscience with tenants, not to pay rent for the lands which they farmed, to those from ** whom they derived their possession, if these lands had been bequeathed to them, for what they termed idolatrous purposes

* Inventory to city cartulary of Edinburgh, v. 1. p. 33. † Book of the universal kirk, p. 446. ‡ i. e. The landlord's acre. || Book of universal kirk, p. 3. 389 487 § Book of universal kirk, p. 4. ** Council register, v. 4. p. 93.

purposes. Hence, nunns, and other religious orders, were reduced to the utmost distress. Decayed gentlemen and travellers, suffered also in the distresses of the Popish Clergy. The former found in religious houses an asylum, which relieved their necessities, while it gratified their indolence. And the hospitality * of the church-men gave such an hearty welcome to the nobility and commons, that, when travelling, they seldom lodged any where but in monasteries. In this manner was the store of victuals consumed, which Knox mentions as being laid up for the clergy, when he observes, that upon the monastery of Grey-friars at Perth being demolished and plundered, there was found in it great store † of bed-cloaths, of bed and table-linen, equal in fineness to those used by the first nobility. And that, notwithstanding the advanced season of the year ‡, and that there were but eight persons belonging to the convent, there were found eight puncheons of salt beef, with wine, beer, ale, and other victuals in proportion.

Besides the established clergy, which were numerous, each incorporation, at least in Edinburgh, was provided with a chaplain, who performed divine service. The gratuity he received marked the simplicity of the times. Besides a trifling salary, he boarded || with the incorporation; that is to say, he dined with each of the members alternately. These societies, accordingly, by their regulations, bound their members to ‘furnish the chaplain his meat orderly, as he should happen to come about to them.’

Although the nobles readily embraced the idea of the reformers, in spoiling the popish clergy of their revenues, they could not be induced, from these liberal appointments, to allow the reformed pastors, whom they behoved to consider as preachers of the gospel of truth, what was sufficient to afford them bare sustenance. Accordingly, they are represented § as living like beggars, as being

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obliged

* Leslie de reb. gest. Scotorum. p. 310. † Knox's history, p. 128. ‡ 11th May 1559. || Seal of cause, Magistrates of Edinburgh to the incorporation of Bakers 1552. § Book of Universal Kirk, p. 24.

obliged to keep taverns and ale-houses, in order to their support, which, however, the church quickly prohibited. The number of churches in Scotland, which formerly amounted to nine hundred and twenty-four, besides those in Argyle and the Isles, was now reduced to fix hundred *; and even in these, when regular appointments were made to the clergy, they were very pityful, the most of them not equal to the salary of a private gentleman in the horse-guards. Hence, although Knox, and other leaders in the reformation, were eminent for undaunted spirit, austere morals, a rude species of eloquence, well adapted to the taste and capacity of their hearers, a knowledge of the dead languages, and in polemical divinity; yet many of the clergy were very low and illiterate persons, in so much that the church found it necessary to impose a restriction upon any being received into holy orders who were ignorant of the Latin tongue †, unless they were found qualified by the General Assembly to discharge the ministerial office, by reason ‘ *of their singular graces and gifts of God.*’

As the use of coal claims our attention, both by reason of its being the most valuable species of fuel hitherto discovered, and also an article of extensive and advantageous commerce, we hope a short digression concerning its introduction will not be considered as impertinent. We enter upon it the more willingly, because we are fully persuaded, that the use of coal was first known in the period we have described, and that the date of its origin may be brought within a very narrow compass, although an author of profound learning and ingenuity has affected to discover its traces in a much more distant period.

Mr Whitaker presumes, that the use of coal, before the ‡ Roman invasion, was known to the primeval Britons. His arguments are chiefly, that, in the various districts where coal is deposited, the rivulets, in their winding courses, must have washed from their

banks

* Book of Universal Kirk, p. 230.
v. I. p. 302.

† Ibid. p. 144.

‡ Whitaker's history,

banks innumerable pieces of the shining jetty mineral, the use of which the natives would soon have learned, by the aid of accident, or force of recollection. And that many pieces of coal, coal-cinders, and coal-culm, have, within these few years, been discovered under Roman camps and highways. If arguments, such as these, carry any force, it must be derived from the respect due to the name which has condescended to make use of them, not from their own nature, the fallibility of which is palpable. Shall we argue upon the talent of barbarians for observation and discovery, when we find, that, even in polished ages, almost every invention, and many improvements, are indebted for their origin, not to reflection, but accident. Shall we, merely from discovering some pieces of coal, of coal-cinders, or some coal-dust, infer the use of that mineral before the Roman invasion? It appears to us much more reasonable to presume, that an antiquary was mistaken in the genuineness of a Roman encampment; or that, if genuine, the pieces of coal had got thither in some unaccountable manner, than to argue from thence the use of coal at so distant an æra, in opposition to the irresistible load of negative evidence, which fixes its origin at a much later period.

Necessity is said not unaptly to be the mother of invention. Had our remote ancestors known, that a valuable inflammable substance was lodged under ground, the abundance of fuel which wood and turf afforded would naturally prevent them from digging into the bowels of the earth for that with which its surface so amply supplied them. Even when wood became very scarce, at the distance of several centuries after the discovery of coal, the manner * of working it was extremely rude, the progress and extent of the use of it slow and limited. The statutes enacted by the Scottish parliament, and the patents granted by the Kings, display their ignorance in working coal, set forth strongly its decay, and guard anxiously its preservation. In the beginning of the sixteenth century, coal-smoke †

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was

* Mary, parl. 9. c. 84.; James VI. parl. 15. c. 253. † Northumberland household book, p. 21.

was deemed very pernicious ; and, even in the end of it, the use of coal, in making * of iron, hardly was known in Scotland.

If the progress in working of coal was slow, its first discovery was not very remote. Coal certainly was not discovered in the middle of the twelfth, and it was as certainly known in the beginning of the thirteenth century. In the *Leges Burgorum*, which were enacted † about A. D. 1140, a particular privilege is granted to those who bring fuel into boroughs. Wood, turf, and peats, are expressly mentioned ; but, with respect to coal, there is a dead silence. But in the year 1234, Henry the III. of ‡ England renews a charter which his father had given to the inhabitants of Newcastle ; and, in this renovated charter, he grants, upon their supplication, to the persons in whose favour the charter was conceived, licence to dig coals, upon payment of L. 100 a-year, which is the earliest mention made of coal in the island. By the end of the thirteenth century, the use of coal was so much advanced, that it was frequently brought by sea-carriage || from one port to another. But the first mention that is made of coal, in any charter in Scotland, is in a grant executed A. D. 1291, in favour of the Abbot and convent of Dunfermline §, of the privilege of digging coal in the lands of Pittencrieff, in the county of Fife.

These being the earliest intimations we have of coal, Mr Whitaker's hypothesis cannot be embraced without overcoming two obstacles, either of which we apprehend to be absolutely unfurmountable : That a species of fuel so valuable should be known, and that it should afterwards, without any cause assigned, fall into absolute desuetude, and even all memory of it be extinguished, and thus remain till accident should revive it, at the distance of a thousand years. And that the Romans, who conquered Britain, who so well understood, and so minutely described the state of this island, should never
once

* Patent by James VI. A. D. 1594, in archives of the Earl of Balcarras.

† Leg. burg. c. 38.

‡ Anderson's orig. of commerce, v. 1. p. 111.

|| Statut.

gildae, c. 44.

§ Cartulary of Dunfermline, p. 80. advocate's library.

once mention the use of coal, which to them behoved to be entirely new, and therefore curious. Travellers who visited this country at a much later period, when the use of coal was *really* discovered, did not pass over so singular an article in such unaccountable silence; and surely they will not be said to have excelled the Romans in ingenuity and talent for observation. Æneas Sylvius, who afterwards assumed the purple under the name of Pius the second, visited this island about the middle of the fifteenth century. He relates, that he saw in Scotland *, ‘ The poor people, who, in rags, begged at the churches, receive for alms pieces of stone, with which they went away contented. This species of stone, (says he,) whether with sulphur, or whatever inflammable substance it may be impregnated, they burn *in place of wood*, of which their country is destitute.’ And Boetius, in his description of Scotland, his native country, written in the beginning of the sixteenth century, says, ‘ There are black stones also digged out of the ground, which are very good for firing, and such is their intolerable heat, that they resolve and melt iron, and, therefore, are very profitable for smiths and such artificers as deal with other metals †; neither are they found any where else (that I know of) but between the Tay and Tyne, within the whole island.’

Upon the whole, as it is utterly unaccountable to suppose, that so valuable a discovery, once made, could be totally lost, and even the memory of it forgot, till the discovery of it was revived by accident, at the distance of almost ten centuries; as the Latin authors have observed a profound silence respecting coal; and, as we find those who wrote after its *undoubted* discovery, remarking and describing it particularly, we have little hesitation in fixing the discovery of coal to have been made between the middle of the twelfth, and beginning of the thirteenth centuries.

In China, however, it is probable that coal was discovered long before it was known in the western world. To ascertain the time
at

* Ænei Sylvii opera. p. 443.

† Boetii Scotorum regni descriptio, p. 10.

at which the Chinese made this discovery, as much exceeds the sphere of European literature, as it is difficult for an inhabitant of this quarter of the globe to comprehend, by his knowledge, or reconcile with his prejudices, the antiquity of that vast empire. About the middle of the thirteenth century, a noble Venetian, in his description of China, observes, ‘ That through the whole province *
 ‘ of Cathay, certain *black stones* are dug out of the mountains, which
 ‘ being put in the fire, burn *like wood*, and when kindled, they continue burning a long time ; in so much, that, if they are lighted
 ‘ in the evening, the fire will keep alive during the whole night.
 ‘ Many use *these stones*, although they have plenty of wood, the consumption of fuel in stoves being very great.’ It is curious to observe the similitude with which Marcus Paulus, Eneas Sylvius, and Boetius, speak of the same matter.

There is nothing which tends to elucidate more clearly the state of a country, with respect to agriculture, manufactures, and commerce, than the prices of provisions ; yet we know no subject involved in greater obscurity than an inquiry of this nature, when directed to a remote æra. The difficulties attending it arise partly from the want of materials, that is, the actual nominal rates of provisions, partly from the ordinary reader not knowing the difference in the quantity of bullion itself contained in the nominal pound or shilling some hundred years ago, and our present nominal pound or shilling Sterling ; but chiefly from the impossibility of determining, with precision, how far the same quantity or weight in gold or silver would go in the different stages of the æra we have described, when compared with the present times. For the price of commodities does not depend solely upon their intrinsic value, and the demand for them ; but also, upon the quantity of money circulating, the state of population, and industry : For, as much less money circulated then than at present, so it behoved to go proportionally further ; and, as the inhabitants were fewer, with infinitely less

* Marcus Paulus Venetus, *Purchas. pilgrims*, v. 3, p. 88.

less industry than in our times ; so the same sum behaved, on these accounts, also, to have a proportionably greater influence.

The learned Ruddiman, who has investigated Scottish antiquities with unparalleled knowledge and accuracy, does not venture to assert that money* was coined in Scotland previous † to the reign of Alexander I. or the beginning of the twelfth century. But, if money was not struck in this country at an earlier period, our connection, first with the Romans, and afterwards with the English, behaved to have introduced the circulation of foreign coin. Accordingly, in the beginning of the eleventh century, we find the price of commodities mentioned ‡ in a denomination applicable only to money composed of precious metal. Till the middle of the fourteenth century, the English || and Scottish pounds were similar in weight and purity ; that is, they contained about three times the quantity of our present pound Sterling, and thirty-six times that of our pound § Scots.

Mr Hume, when treating of the value of money about the beginning of the æra we have described, supposes** the same quantity of bullion to have gone above thirty-three times farther than at present. We have already observed, that the pound then contained an equal quantity of bullion with three modern Sterling, or thirty-six Scottish pounds. Therefore, according to Mr Hume, when we read of a pound, about seven hundred years ago, we should deem it equal in influence to one hundred Sterling, or three thousand six hundred Scottish pounds. But Mr Whitaker estimates the same quantity of bullion at that period to have been only of twenty †† times greater value than it is now ; or, in other words, that the pound was equivalent to sixty pounds Sterling, or two thousand one hundred and sixty pounds Scots. Accordingly, in the very curious table of provisions with which he favours

* Pref. to Anderson's Dip. Scot. p. 57. † Gold coin was not struck in Scotland till about the end of the fourteenth century ; Pref. to Anderson's Dip. Scot. p. 64. 80.

‡ Leges Malcolmi II. c. 2. || Pref. to Anderson's Dip. Scot. p. 61. 81. ; Fleetwood's Chronicon pretiosum, p. 41. § See appendix, No. 2. ** Hume's hist.

v. 1. p. 244. †† Whitaker's hist. v. 2. p. 345. 346.

favours the public, in converting the prices into modern money, he multiplies each article sixty fold. But, in the following table, we prefer the manner * of Ruddiman, in his very limited table of the rates of provisions in Scotland, by presenting the reader, in one column, with the nominal sums which the articles truly cost, and, in an opposite column, the sum to which a correspondent quantity of bullion, in modern Scottish money, extends; leaving it to the judgment of the reader to estimate, with Mr Hume, that sum, or quantity of bullion, in the earliest period of our table, as equivalent to thirty-three times, or, with Mr Whitaker, to twenty times the like quantity of bullion at present, and, in the subsequent † periods, to proportionably less, according to his ideas of the increase of money, population, and industry.

In comparing the proportional rate of provisions between antient and modern times, a very considerable allowance must be made for the article of taxation; for the rates that are presently paid for most articles of provision, are not the real prices at which they could be afforded, nor at which, between subject and subject, they are essentially sold; but are also sums levied for the aid of government, and transmitted from the consumer to the merchant, from the merchant to the various collectors of the public revenue, and from them to the treasury. During the period we have described, particularly in its more remote stages, the exigencies of government were small, and the crown-lands afforded an ample revenue. But now the case is reversed, the crown-lands are dissipated, the nation groans under a consuming load of debt, and the exigencies of government are very great. It has, therefore, become necessary to impose taxes upon almost every article of life, and these are insensibly paid by the consumer, when he thinks he is only giving value for the provisions: Therefore, in comparing the prices of a gallon of wine or ale, a pound of candles, or pair of shoes, in antient and in modern times,

we

* Pref. to Anderfon's Dip. Scot. p. 82. † As to the number of nominal pounds in Scotland at different periods in a pound Troy of silver, see appendix, No 2.

we must reflect, that the prices paid formerly were simply the rates at which commodities could be furnished, almost without any duty to government; whereas now, in many instances, the taxes levied by government exceed the value of the articles upon which they are imposed.

It only remains to explain the reasons which induced us to convert the old into modern Scottish money. Besides the incongruity that appeared in converting old Scottish into modern Sterling money, the prices of many articles are very minute; and, as the same sum contains a scale twelve times larger in farthings, pence, &c. in Scots than in Sterling, it was found much easier to mark the fractions in the species of money which contains the largest scale. Nor will this be attended with much trouble to the English reader; since, when he observes the price of any article in Scottish money, he may reflect, that it is precisely the twelfth part of that sum in sterling; or, that TWELVE pounds Scots are ONE pound Sterling.

M

A TABLE

A TABLE of the Prices of PROVISIONS in Scotland, in Ancient and Modern Scottish Money, from A. D. 1000, to A. D. 1600.

A. D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1004.	A heifer *	0	2	6	4	10	0
1124.	A sheep †	0	1	4	2	8	0
	Boll of ‡ wheat from 10 d. or 11. 10 s. to	0	2	0	3	12	0
	A heifer	0	3	0	5	8	0
	A cow	0	6	0	10	16	0
	A gallon § of wine, Scottish measure	0	0	2	0	6	0
	of beer	0	0	0½	0	1	6
	A pair of ** shoes	0	0	4	0	12	0
1283.	A horse ††	1	0	0	36	0	0
	Carcase of ‡‡ mutton from Easter till Whit-						
	funday	0	1	4	2	8	0
	from Whittfunday to						
	the 25th of July	0	1	0	1	16	0
	from 25th of July to						
	Michaelmas	0	0	10	1	10	0
	from Michaelmas to						
	Easter	0	0	8	1	4	0
1295.	A hen	0	0	0½	0	1	6
	A gallon §§ of wine	0	0	4	0	12	0

A hundred

* Leges Malcolmi II. c. 3.

† Reg. Maj. lib. 4. c. 16.

‡ Pref. to An-

derson's dip. Scot. p. 82.

|| Reg. Maj. lib. 4. c. 31.

§ Pref. to Anderson's dip.

Scot. p. 82.

** Leges Burgorum, c. 121.

†† Statuta gildae, c. 18.

‡‡ Ibid. c. 24.

||| Dalrymple's annals, p. 310.

§§ As these accompts are written in barbarous Latin, there is some difficulty in translating the measures, and also some other articles. Lord Hailes seems to think that the *lagena* signified a pint; but it certainly meant a gallon. The *quarterium*, *quarta*, or *quart*, is frequently mentioned as a component part of the *lagena*. But an article in King James

A. D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1328.	A hundred * herrings	0	1	6½	2	13	6½
	Fourty-four beeves purchased for the wedding of the King's son	20	0	10	687	2	10½
1329.	A horse † from 5 s. or L. 8 : 11 : 5, to	0	13	4	22	17	1½
	An ox	0	10	0	17	2	10½
	A sheep from 14 d. or 2 l. to	0	2	0	3	8	6½
	A hog	0	6	8	11	8	6½
	A porpoise	0	5	0	8	11	5
	A swan	0	6	1	10	8	6½
	A barrell of sturgeon	3	10	0	120	0	0
	A last of herrings from 3 l. 9 s. or L. 118 : 5 : 8½ to	4	0	0	137	2	10½
	A thousand hard fish	6	13	4	228	11	5
	A hundred salmon	3	9	0	118	5	8½
	A stone of cheese	0	1	0	10	14	3½
	A stone of wax	0	4	6	7	14	3½
	A gallon of honey	0	3	3	5	11	5
	of olive oil	0	3	10½	6	12	10½
	of vinegar	0	1	0	1	14	3½
	of verjuice	0	1	7½	2	15	8½
	A barrel of mustard	0	1	3	2	2	10½
	of apples	0	3	9	6	8	6½
	M 2					A pound	

IV.'s household book, puts it beyond doubt, that the *lagena* signified a gallon. A quart of milk is therein mentioned at the price of 4 d. and 7 *lagenae*, 1 quart of milk at 9 s. 6 d. Now, reckoning each *lagena* to have contained four quarts, the sum paid should have been 9 s. 8 d. The odd two-pence was probably abated on account of the quantity purchased. Dalrymple's annals, p. 310. Accompts of the Chamberlain of Scotland, A. D. 1329. Household book of King James IV. A. D. 1511. Bishop Fleetwood also understands the *lagena* to have contained four quarts. Chronicon pretiosum, p. 81.

* Chamberlain of Scotland's accompts for A. D. 1328. in the archives of his Grace the Duke of Buccleugh.

† Accompts of the Chamberlain of Scotland, published by John Davidson, Esq; from the originals in exchequer, for A. D. 1329, 1330, 1331.

A.D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1329.	A pound of saffron	0	5	0	8	11	5
	of pepper	0	1	2	2	0	0
	of mace, A. D. 1329.	0	4	0	6	17	1½
	of ditto, A. D. 1331	0	6	0	10	5	8½
	of ginger, A. D. 1329.	0	0	9½	1	7	1½
	of ditto, A. D. 1331	1	0	0	34	5	8½
	of nutmegs	0	4	10½	8	7	1½
	Thirteen loaves of sugar weighing 119						
	lib. at 1 s 9½d per pound	10	13	8	366	5	8½
	428 of various confections, at 2 s. 5 d.						
	per pound	44	16	5	1536	14	3½
	A pound of rice	0	0	1½	0	3	6½
	A boll of meal	0	1	7	2	14	3½
	of barley	0	2	5	4	2	10½
	of oats	0	0	11	1	11	5
	of white pease	0	2	4	4	0	0
	A cask (dolum) of wine	2	0	2½	68	18	6½
	Another cask of wine	3	6	8	114	5	8½
	A third cask	4	0	0	137	2	10½
	A chalder of coals, with the carriage						
	to parliament	0	1	4	2	5	8½
	To the sheriff of Clackmannan for pre-						
	paring firing	60	0	0	2057	2	10½
	A yard of woollen cloth dyed	0	6	2½	10	12	10½
	A yard of linen cloth	0	0	6½	0	19	3½
	A yard of tweel	0	0	3½	0	10	0
	of canvass	0	0	1½	0	4	3½
	of silk	0	5	0	8	11	5
	An ambaffador's robe	0	13	4	22	17	1½
	A robe for the King's chaplain	1	0	0	34	5	8½
	Ditto for the clerk of the rolls	2	0	0	68	11	5
							A faddle

A. D.		Antient.	Modern.
		L. sh. d.	L. sh. d.
1329.	A saddle for the Lord Governour's palfrey	5 0 0	171 8 6 $\frac{3}{4}$
	Inrailing with iron the tomb of the late King	22 8 2	768 5 8.
	To building the wall between the town and castle of Berwick	20 0 0	685 14 3 $\frac{1}{2}$
	To four watchmen in Berwick castle at 3 d. or 8s. 6d. $\frac{1}{4}$ each <i>per</i> day, for a year's wages	18 4 0	624 0 0
	A year's wages to the keeper of the lion	6 13 4	228 11 5
	Paid by the King to the <i>minstrels</i> , or bards, for attending at the coronation	20 0 0	685 14 3 $\frac{1}{2}$
	Paid to them by the Queen, on the same occasion	10 0 0	342 17 1 $\frac{1}{2}$
1424.	A boll of * wheat	0 2 0	1 18 4 $\frac{3}{4}$
	of rye, barley, or pease	0 1 4	1 5 7
	of oats	0 0 6	0 9 7
	An ox	0 6 8	6 8 0
	A horse	0 13 4	12 16 0
1478.	Dower † given by the parliament on the marriage of the Princess Margaret, sister of King James III. with Anthony Earl of Fivie, Lord Scales, &c.	13333 6 8	66666 13 4
1489.	A wedder ‡.	0 3 0	0 15 5
			A falterd

* Pref. to Anderson's Dip. Scot. p. 82. † Minutes of parliament, council, and checker, collected by E. Haddington, MS. Advocates Library, 6th March 1478. Of this sum the estates of parliament paid as follows: The clergy two fifths, the barons two fifths, and the boroughs one fifth. ‡ Pref. to Anderson's Dip. Scot. p. 82.

A. D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1489.	A salted ox	0	15	0	3	17	1 $\frac{1}{2}$
	A hog	0	8	4	2	2	10 $\frac{1}{2}$
1495.	Best wheat * <i>per</i> boll	0	6	8	1	14	3 $\frac{1}{2}$
	Second ditto	0	6	0	1	10	10 $\frac{1}{2}$
1512.	The carcase † of a grafs-fed ox	0	18	0	4	12	6 $\frac{1}{2}$
	A boar from L. 1 : 6 : 8, or						
	L. 6 : 17 : 1 $\frac{1}{2}$ to	2	5	0	11	11	5
	A hog	0	8	0	2	1	1 $\frac{1}{2}$
	A pig	0	0	11	0	4	8 $\frac{1}{2}$
	A stall-fed ox, with its hide	3	10	0	18	0	0
	A carcase of mutton, from 4 sh. or						
	L. 1 : 0 : 6 $\frac{1}{2}$, to	0	6	0	1	10	10 $\frac{1}{2}$
	A lamb at Christmas	0	10	0	2	11	5
	Ditto at Easter, from L. 0 : 1 : 2, or						
	6 sh. to	0	10	0	2	11	5
	A calf at Easter, from L. 0 : 2 : 0, or						
	L. 0 : 10 : 3 $\frac{1}{2}$, to	0	8	0	2	1	1 $\frac{1}{2}$
	A kid	0	1	2 $\frac{1}{2}$	0	6	2 $\frac{1}{2}$
	A fed rabbit	0	2	0	0	10	3 $\frac{1}{2}$
	A rabbit from the warren	0	1	6	0	7	8 $\frac{1}{2}$
	A hare	0	4	6	1	3	1 $\frac{1}{2}$
	A goose	0	1	0	0	5	1 $\frac{1}{2}$
	A wild goose	0	2	4	0	12	0
	A Crane	0	12	0	3	1	8 $\frac{1}{2}$
	A pair of muir-fowl, from 1 sh. or						
	L. 0 : 5 : 1 $\frac{1}{2}$ to	0	2	0	0	10	3 $\frac{1}{2}$
	A pair of chickens at Christmas	0	1	0	0	5	1 $\frac{1}{2}$
	at Easter	0	0	8	0	3	5
							A fed

* Council register, v. 1. p. 36. A. D. 1495.
A. D. 1511. 1512.

† King James IV. household book,

A. D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1512.	A fed capon	0	1	5	0	7	3 $\frac{1}{4}$
	Onions <i>per</i> pound at Easter	0	0	3	0	1	3 $\frac{1}{4}$
	A quart of milk	0	0	4	0	1	8 $\frac{1}{2}$
	Cheese <i>per</i> stone	0	4	6	1	3	1 $\frac{1}{2}$
	Butter <i>per</i> ditto in the month of July	0	6	0	1	10	10 $\frac{1}{4}$
	Sum total of his Majesty's household expence in the month of July, A. D. 1512	532	13	7	2739	9	10 $\frac{1}{2}$
1530.	A year's wages * for a cow-herd, a shirt, a pair of shoes, and	0	3	0	0	11	3
1532.	Salary of the † whole fifteen judges of the court of session, out of which the president got double that of any other judge	1400	0	0	5250	0	0
1551.	Bourdeaux ‡ wine, if imported by the east sea, <i>per</i> pint	0	0	10	0	3	1 $\frac{1}{2}$
	by the west sea	0	0	8	0	2	6
	Rochelle wine, if imported by the east sea, <i>per</i> pint	0	0	8	0	2	6
	by the west sea	0	0	6	0	1	10 $\frac{1}{2}$
	A crane	0	5	0	0	18	9
	A swan	0	5	0	0	18	9
	A hen	0	0	8	0	2	6
	A pig	0	1	6	0	5	7 $\frac{1}{2}$
	Freight of a boat between Leith and Kinghorn	0	10	0	1	17	6
	For a man and horse crossing in a boat	0	1	0	0	3	9
	For each passenger	0	0	6	0	1	10 $\frac{1}{2}$
							Carcase

* Knox's hist. p. 14.

† Pref. to Anderson's dip. Scot. p. 82.

‡ Mary parl

c. 5. 11.

|| Mary parl. 5. c. 21.

A. D.		Antient.	Modern.
		L. sh. d.	L. sh. d.
1552.	Carcase * of the best mutton	0 10 0	1 17 6
	Oats <i>per</i> boll	0 13 4	2 10 0
	Hay <i>per</i> stone	0 0 6	0 1 10 $\frac{1}{2}$
	Best tallow † candles <i>per</i> pound	0 0 9	0 2 9 $\frac{1}{2}$
1553.	Butter <i>per</i> ‡ stone	0 8 0	1 10 0
	Cheese <i>per</i> ditto	0 4 0	0 15 0
	Eggs <i>per</i> dozen	0 0 4	0 1 3
1555.	The 4 d. loaf ordained to weigh 28 oz. when the price of wheat <i>per</i> boll is	1 6 8	5 0 0
	Ditto to weigh 24. oz. when wheat is at	1 10 0	5 12 6
	To weigh 22. oz. when at	1 13 4	6 5 0
	20. oz. at	1 16 8	6 17 6
	18. oz. at	2 0 0	7 10 0
	17. oz. at	2 3 4	8 2 6
	16. oz. at	2 6 8	8 15 0
	14. oz. $\frac{1}{4}$ at	2 10 0	9 7 6
	14. oz. when at	2 13 4	10 0 0
1560.	A foldier's pay § and maintenance <i>per</i> month	4 0 0	11 1 6 $\frac{1}{2}$
1562.	A pair of ** double soaled shoes	0 3 8	0 10 1 $\frac{1}{2}$
	of single soaled shoes	0 2 8	0 7 4 $\frac{1}{2}$
	of boots	1 4 0	3 6 5 $\frac{1}{2}$
	Ale <i>per</i> †† pint	0 0 6	0 0 9
1582.	Stipends of the reformed †† clergy over all Scotland. In 100 parishes there were allotted to each of the ministers	400 0 0	600 0 0

A

* Council reg. v. 2. p. 7. † Ibid. p. 3. ‡ Ibid. p. 15. || Council reg.
v. 1. p. 26. § Council reg. v. 3. p. 33. ** Council reg. v. 4. p. 56.
†† Council reg. v. 6. p. 214. †† Book of the universal kirk, or acts of General
Assembly, M. S. in possession of the church of Scotland.

A. D.		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1582.	In 200 other parishes .	200	0	0	300	0	0
	In another 100 parishes .	100	0	0	150	0	0
	In the remaining parishes, in number 100	66	13	4	100	0	0
1584.	A year's salary for a * private gentleman in the horse-guards .	200	0	0	300	0	0
1588.	A year's salary for the † first minister of Edinburgh	400	0	0	600	0	0
	for the second	333	6	8	500	0	0
	for the third	200	0	0	300	0	0
	for the fourth	40	0	0	60	0	0
1590.	Two ells of Holland ‡ for the King, at L. 1 : 10 : 0, or L. 2 : 5 : 0 the ell	3	0	0	4	10	0
	Two pair of long Naples silk hose at L. 24 : 0 : 0, or 36 l. the pair	48	0	0	72	0	0
	A tawney beaver hat lined with taffety	12	0	0	18	0	0
	A string for the hat embroidered with gold and silver	12	0	0	18	0	0
	A black beaver hat lined with velvet	12	0	0	18	0	0
	Six quarters of crape of silk, to be the string to the hat	2	0	0	3	0	0
	An ostrich feather. (This and the six preceding articles for his Majesty's use)	100	0	0	150	0	0

N

DINNER

* James VI. parl. 8. c. 137. † Council reg. v. 8. p. 189. ‡ Compt of his Majesty's apparel, furnished by Robert Joyffe merchant Edinburgh, General register office for Scotland, A. D. 1590, 1591, 1592.

DINNER given at Edinburgh by King James IV. to the FRENCH
AMBASSADOR on Christmas Day, A. D. 1511*.

Festum natalis Domini apud Edinburg Ambaxiatore prefente Franciae
in prandio, 25th Decem.

		Antient.			Modern.		
		L. sh. d.			L. sh. d.		
A. D.	Empt. per David Stewart, 6 carcag. mer-						
1511.	tarum herbalium liberat. Archidecano St.						
	Andreae, pro totidem mertis mutuat. ab						
	eodem apud Elgin, mensibus Junii et						
	Julii, pretium picii 18 s. L. 5: 8: 0	5	8	0	27	15	5
	Item empt. per nuntium 36 porcelli preti-						
	um picii 11 d. fum. 33 s.	1	13	0	8	9	8½
	Item 85 anse pretium picii 12 d. fum. pe-						
	cunie 4 l. 5 s.	4	5	0	21	17	1½
	Item 13 capones pasti 19 s. 6 d.	0	19	6	5	0	3½
	Item 88 capones pret. pic. 8 d. ob. fum:						
	L. 3: 2: 6	3	2	6	16	1	5
	Item 5 anse campestres, 13 s. 6 d.	0	13	6	3	9	5
	Item 13 pulli, 6 s. 6 d.	0	6	6	1	13	5
	Item 8 cuniculi past. 16 s.	0	16	0	4	2	3½
	Item 25 cuniculi, 37 s. 6 d.	1	17	6	9	12	10½
	Item 24 alaudes, 2 s.	0	2	0	0	10	3½
	Item 1 quail 4 d.	0	0	4	0	1	8½
	Item 9 pluviarui, 8 snipes, varii pretii, fum.						
	5 s. 8 d.	0	5	8	1	9	1½
	Item 9 pira salfronii, 6 s	0	6	0	1	10	10½
	Item 340 poma, 7 s.	0	7	0	1	16	0

Item

* Compt of the King's household expence made by the Bishop of Caithness, comp-
troller, A. D. 1511, and 1512, General reg. office for Scotland.

	Antient.			Modern.		
	L.	sh.	d.	L.	sh.	d.
1511. <i>Item 7 lagene, 1 quarta lactis, 9 s. 6 d.</i>	0	9	6	2	8	10½
<i>Item 1 agnus</i>	0	10	0	2	11	5
<i>Item 145 pedes bovine pro gelaturis ad</i> <i>coquinam regis pret. 13 s. 9 d.</i>	0	13	9	3	10	8½
<i>Item 400 pedes ovium, 10 s.</i>	0	10	0	2	11	5
<i>Item 9 galli domestici, 6 s. 9 d.</i>	0	6	9	1	14	8½
<i>Item 182 pedes bovium pro gelaturis ad</i> <i>coquinam regine, 16 s. 10 d.</i>	0	16	10	4	6	6½
<i>Item 400 pedes ovium, 10 s.</i>	0	10	0	2	11	5
<i>Item 9 galli domestici, 6 s. 9.</i>	0	6	9	1	14	8½
<i>Item 181 pedes bovine pro gelaturis co-</i> <i>quine familie regis pret. ut supra</i>						
<i>Item 700 pedes ovium, 17 s. 6 d.</i>	0	17	6	4	10	0
<i>Item 18 galli, 13 s. 6 d.</i>	0	13	6	3	9	5
<i>Item empt. de Donaldson—mutton boukis—</i>						
<i>Item 3 pece cepis—</i>						
<i>Item de Johanne Paterfon de Dunmuir</i>						
<i>1 aper, 45 s.</i>	2	5	0	11	11	5
<i>John Paterfon item 14 anse campestris pret.</i> <i>picii 2 s. 4. fum. 32 s. 6.</i>	1	12	6	8	7	1½
<i>Item 12 capones pasti 14 s.</i>	0	14	0	3	12	0
<i>Item per David Stewart 1 aper 28 s.</i>	1	8	0	7	4	0
<i>De offers per Ballentine 1 aper pret. cum</i> <i>carriagio 40 s.</i>	2	0	0	10	5	8½
<i>Item 6 hammys per Button 7 s.</i>	0	7	0	1	16	0
<i>Sum. L. 42 : 17 : 11</i>	42	17	11	220	12	1½

His MAJESTY'S DINNER on Easter day A. D 1512.

	Antient.			Modern.		
	L.	sh.	d.	L.	sh.	d.
PASCHA.						
1512. Die Dominico * undecimo Aprilis 1512						
empt. in Glasgua 60 porci varii pretii						
fum. pecunie L. 23	23	0	0	118	5	8 ¹ / ₂
Item 1 aper pret. 36 s.	1	16	0	9	5	1 ¹ / ₂
Item 4 mutton boukis pret. 24 s.	1	4	0	6	3	5
Item 12 agni 30 s.	1	10	0	7	14	3 ¹ / ₂
Item de carriagio hujusmodi de Edin-						
burg versus Linlithgow 2 s.	0	2	0	0	10	3 ¹ / ₂
Item 4 boves pasti cum coriis L. 14	14	0	0	72	0	0
Item 2 apri pret. 53 s. 4 d.	2	13	4	13	14	3 ¹ / ₂
Item 6 carcag. mertarum herbalium						
pret. L. 6 : 0 : 8	6	0	8	31	0	6 ¹ / ₂
Item 2 vituli magni 16 s	0	16	0	4	2	3 ¹ / ₂
Item 16 mutton boukis pret. pic. 4s. 8d.						
fum. L. 3 : 14 : 8	3	14	8	19	4	0
Item 12 agni 20 s	1	0	0	5	2	10 ¹ / ₂
Item 5 edi 6 s. 8 d.	0	6	8	1	14	3 ¹ / ₂
Item 1 vitulus parvus 2 s.	0	2	0	0	10	3 ¹ / ₂
Item 3 mutton boukis pret. pic. 4. fum.						
12 s.	0	12	0	3	1	8 ¹ / ₂
Item 7 agni pret. 11 s. 8. d.	0	11	8	3	0	0
Item 1 aper pret. 33 s.	1	13	0	8	9	8 ¹ / ₂
Item 5 lingue bovine 3 s.	0	3	0	0	15	5
Item 12 lib. cepi.—Three following ar-						
ticles are illegible.						

Item

* King James IV.'s household book, supra citat.

		Antient.			Modern.		
		L.	sh.	d.	L.	sh.	d.
1512.	Item 1 grus 12 s	0	12	0	3	1	8 $\frac{1}{2}$
	Item 2 agni 18 s.	0	18	0	4	12	6 $\frac{1}{2}$
	Item 84 aves morales 42 s.	2	2	0	10	16	0
	Item 12 galli nigri 10 s.	0	10	0	2	11	5
	Item 6 porci 48 s	2	8	0	12	6	10 $\frac{1}{2}$
	Item 2 porci 18 s.	0	18	0	4	12	6 $\frac{1}{2}$
	Item 12 mutton boukis, varii pretii, fum.						
	L. 3 : 12 : 0	3	12	0	18	10	3 $\frac{1}{2}$
	Item 14 vituli 42 s. 8 d.	2	2	8	10	19	5
	Item 6 lib. cepi 1 s. 6 d.	0	1	6	0	7	8 $\frac{1}{2}$
	Item 16 pedes bovine 2 s.	0	2	0	0	10	3 $\frac{1}{2}$
	Item 40 pedes ovium 15 d.	0	1	3	0	6	5
	Item 26 porcelli pret. cum carriagio 26 s.	1	6	0	6	13	8 $\frac{1}{2}$
	Item 26 capones pasti 37 s. 6 d.	1	17	6	9	12	10 $\frac{1}{2}$
	Item 3 agni 30 s.	1	10	0	7	14	3 $\frac{1}{2}$
	Item 51 pulli gallinarum 16 s. 6 d.	0	16	6	4	4	10 $\frac{1}{2}$
	Item 9 leprones 4 s. 6 d.	0	4	6	1	3	1 $\frac{1}{2}$
	Item 1100 ova 19 s. 4 d.	0	19	4	4	19	5
	Item 12 galli nigri 10 s.	0	10	0	2	11	5
	Item 48 aves morales 48 s.	2	8	0	12	6	10 $\frac{1}{2}$
	Item 73 edi L. 5 : 3 : 5	5	3	5	26	11	10 $\frac{1}{2}$
	Item 10 petre 8 lib. casei 47 s. 6 d.	2	7	6	12	4	3 $\frac{1}{2}$
	Item 8 galli pro gelaturis 6 s.	0	6	0	1	10	10 $\frac{1}{2}$
	Item 92 pedes bovine 15 s 1 d.	0	15	1	3	17	6 $\frac{1}{2}$
	Item 48 pedes ovium 1 s. 8 d	0	1	8	0	8	6 $\frac{1}{4}$
	Item 40 pedes vitulorum 3 s.	0	3	0	0	15	5
	Item 16 grosse farine 21 s. 4 d.	1	1	4	5	9	8 $\frac{1}{2}$
	Item 3 quart lactis 12 d.	0	1	0	0	5	1 $\frac{1}{2}$
	Item in ordeo 20 s.	1	0	0	5	2	10 $\frac{1}{2}$
	Item 300 poma 6 s.	0	6	0	1	10	10 $\frac{1}{2}$
	Sum. L. 102 : 8 : 6	102	8	6	526	15	1 $\frac{1}{2}$

CHAPTER III.

EDINBURGH visited by King James VI. and afterwards by Charles I. —Source of the Troubles in the Reign of Charles I.—Tumult in Edinburgh upon reading the Liturgy—Second Tumult—Royal Proclamation encountered with a Public Protestation of Disobedience—The Covenant—Marquis of Hamilton comes to Edinburgh as King's Commissioner to the Covenanters, whom he in vain endeavours to appease—Leaves Edinburgh, and returns with new Concessions, which are rejected—A Prophetess—Meeting of the General Assembly at Glasgow, who abolish Episcopacy—Estates of Parliament meet at Edinburgh; their Preparations for War—Seize Edinburgh Castle, and Dalkeith House; Fortify Leith.—Their Expedients for raising Money—Marquis of Hamilton arrives in the Forth with a Fleet and Army—King Charles comes to Edinburgh; his timid and ungenerous Policy—Scots Army enter England on behalf of the Parliament—Base Conduct of the Scots—Charles II. proclaimed King—Marquis of Montrose—English Army, under Cromwell, enter Scotland—Charles II. arrives—The Clergy treat him with studied Indignities—Battle of Dunbar—City and Castle of Edinburgh taken by Cromwell, who Incorporates England, Scotland, and Ireland, into one Commonwealth.

FROM James's accession to the throne of England, Edinburgh remained for a period of thirty-five years in a state of tranquillity, unchequered by any memorable event, if we may not except two visits which she received from her native monarchs. At
 618. James's entry, ten thousand Scottish merks were presented in a silver
 bason,

bason*, to render propitious the heart of the King. At Charles's, 1618. the Lord Provost, magistrates, and town-council, in their robes, attended by two hundred and sixty armed† youths‡, dressed in doublets of white sattin, and black velvet breeches, received the King. And, through streets hung with carpets and tapestry, lined with the trained bands, and decorated with pompous, expensive, and absurd pageantry, they conducted him to the palace. In both their entries, the Sovereigns were received with addresses full of pedantry and servile adulation.

This state of tranquillity gave place to very different scenes; for it was the fortune of Edinburgh to give birth to those tumults which were productive of infinite misery to all ranks, and which ended in the destruction of the King, and overthrow of the constitution.

The troubles which sprung up in this island upon the introduction of a new set of religious doctrines, were speedily appeased in England by the rough hand of Henry, whose singular felicity it was to alter the church, without overturning the state. In Scotland, it was far otherwise; for there, along with the doctrines of reformation, republican principles were almost universally adopted: And a perpetual struggle between episcopacy and presbytery was maintained almost till the union. James VI. is reported to have said, that 'monarchy and presbytery agreed as well as God and the Devil.' The unremitted efforts which both he and his successor exerted in favour of episcopacy, seem to have proceeded from a persuasion of its conformity in worship and in government to the doctrines of the apostles and the fathers, as well as from a conviction that the crown and the mitre were naturally mutual supports to each other. The furious zeal of the presbyterian clergy had given James many advantages over them; and, as he possessed a sagacity which overweening pride, or party-spirit, in modern times, will not allow him; he failed not to make use of them to the accomplishment of his favourite object.

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* Council reg. v. 12. p. 258. † Ibid. v. 14. p. 100. ‡ King Charles's entry cost the city L. 41489: 7: 0 Scots; about L. 3500 Sterling; Council reg. v. 14. p. 329.

The bishops and abbots, along with a part of* their ecclesiastical revenues, were allowed to retain their seats in the great council of the nation. In the noon-tide of royal power, he had even established his supremacy over the church. He had appointed a habit for churchmen. Nay, after much intriguing, and anxious attention to the critical moment of advantage, he introduced those important points, 'kneeling at the sacrament, administration of private communion, and of private baptism, confirmation, and the observing of Christmas and Easter holydays.' What remained towards the compleat establishment of episcopacy, but an introduction of the liturgy? This James had often meditated; but it was left to his less prudent successor to attempt. It was no time for Charles, already involved in disputes about prerogative in one part of his dominions, to aim at innovation, in the religious worship, of another. But, although the people were undoubtedly averse from episcopacy; although this aversion was fomented by the harangues of their preachers; yet the religious tenets of the people, and the offence which they sustained, were not the *cause*, but the *engine* of those troubles which distracted the nation during this period of our history, which, indeed, may be termed 'the empire of fanaticism and hypocrisy, of tyranny and rebellion.'

Our conceptions of the Deity are so imperfect, our notions of the mode of appeasing divine wrath so preposterous, that actions in themselves totally indifferent have been supposed the most efficacious mode of obtaining the divine grace, or the most infallible grounds of attracting Almighty resentment: Nay, by stepping somewhat further in the same line, the grossest violations of moral duty have been supposed the most acceptable sacrifices at the divine altar. Hence the corruptions of religion have excited the most violent disorders that have convulsed civil society; and, consequently, men of deep design, and profligate principles, veiled under apparent sanctity, are capable

* Baker's chronicle, p. 452; James VI. parl. 8. c. 129; parl. 20. c. 8. parl. 23. c. 21.

capable to inflame, and to direct to the most desperate purposes, the religious passions of the multitude.

It has been already observed, that the desire of the nobles to seize upon the ample revenues of the church, considerably assisted the progress and establishment of the reformation. During the minority of James, those powerful barons who placed the crown upon his infant brow, appropriated to themselves those lands which had belonged to the church. But, upon James's maturity, and being firmly established in his government, the church-lands, then possessed by the impropiators, or *lords of erection*, as they were called, were annexed to the crown upon the most solid principles * of law and justice: For as, by the abolition of popery, the church-lands became vacant, they naturally acceded to the King, according to the maxim, '*Quod nullius est, cedit domino Regi.*' And this was the more equitable, as the patrimonies of the church had originally been dilapidations from the royal revenue. At the same time, an † act was passed, revoking all grants made in prejudice of the crown, during James's minority. Still, however, this act was not put in execution, and the nobles made shift to retain their ill-acquired possessions.

The impropiators used these possessions, in such a manner as to load the country with manifold oppression. The servile dependence in which vassals were subjected by their lords, was rendered still more abject, by these superiors having arrogated to themselves the possession of the ecclesiastical revenues. For, in collecting the tithes, they did not gather them when it was suitable for the occupiers of the ground; but would perversely forbear to separate the tithe from the ‡ stock, observing no other rule than their own caprice, often to the entire destruction of the crop after it was reaped; and thereby subjecting their vassals to the most implicit and dangerous submission. Out of these tithes also, the impropiators would not pay to the clergy a sufficient, nor even any *fixed* stipend; but allow-

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* James VI. parl. 11. c. 29.

† James VI. parl. 11. c. 31.

‡ King's declaration, p. 7.

Baker's chronicle, p. 452.

ed them only a miserable pittance, and that dependent on their pleasure. Thus were those zealous champions for the purity of religion reducing the sacerdotal order to poverty and contempt, and subjecting all ranks to a servile dependence on themselves, thereby concentrating the power of the nation in a turbulent and tyrannical aristocracy.

Charles attempted to remedy evils of so dangerous a tendency ; but he met an opposition which unhappily coinciding with his disputes in England with the House of Commons, involved both him and the nation in ruin. He passed an act, revoking all alienations of the lands or * other patrimonies of the crown, made by himself and his predecessors. This statute, however, remained but *the dead letter of the law*. Charles had not strength to put it in execution ; and it served only to awaken suspicions, and excite umbrage in those against whom it was directed, without being of the smallest real service to the crown. He, at the same time, appointed a *commission of surrenders*, as it was termed. This was a † commission passed under the great seal, appointing a number of noblemen and gentlemen, both of those who paid tithes, and those to whom they were due, commissioners for surrendering the superiorities to the King, to be retaken from him, upon the payment of a certain sum, as redemption-money ; as also for relieving the owners of the ground, by empowering them to buy the tithes, at so many years purchase as should be agreed on by buyers and sellers ; and to settle a decent and fixed provision upon the clergy. Charles received sincere applause for having accomplished purposes so beneficial to the landholders, the clergy, and even the crown itself, and so conducive to the interests of peace and freedom. The landholders acknowledged him as their deliverer from intolerable bondage. The clergy celebrated him as the very father and founder of their churches. The haughty nobles alone murmured in secret at their diminished influence ; and repining at the power and favour which the ecclesiastics enjoyed,

* Charles I. parl. 1. c. 9.

† King's declar. p. 7. et seq.

enjoyed, who, indeed, held the first places under the crown, they resolved to seize the first occasion of embroiling the measures of the court.

An opportunity was not long wanting. The canons for appointing the ecclesiastical jurisdiction had already been established. They 1635- contained the absurdity of recommending and enforcing the use of the liturgy, while the liturgy itself was not yet composed. But after it was composed, and had been revised, altered, corrected, &c. by the pious Charles and by Laud, it was judged a most excellent form of worship. Indeed, those zealous members of the church of England *, showed so laudable a desire of conformity with her elder sister of Rome, that the alterations in this liturgy from the English service-book, approached more nearly to Popish tenets. Easter-day 1637- was appointed, by solemn proclamation, for the introduction of the liturgy ; but, for the better judging of the people's dispositions towards it, it was delayed till the 23d of July ; and, on the Sunday preceding, the intended use of it was announced from the pulpit, in all the churches of Edinburgh. Still few indications of popular disgust appeared ; nor was it much to be expected. The people were by no means strangers to the English service-book. It had been read for twenty years in the royal chapel of Holyroodhouse, which was then the parish-church of the Canongate, and was frequented by people of all ranks. It had also, of late, been used in some of the cathedral churches, and in the divinity college of St Andrews, without disturbance, or even the appearance of disgust. And, when the King was last in Scotland, it was publicly read in all the churches to which he resorted. Nay, on the Sunday of its intimation, the service-book was highly extolled from the pulpit, by some of those clergymen who were afterwards the foremost in embracing the covenant, and in railing against the liturgy most bitterly.

On Sunday the 23d of July, agreeably to the previous intimation, the service-book was begun to be read at Edinburgh, in St Giles's July 23- church.

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* Baker's chronicle, p. 458. ; King's dec. p. 22. et seq. ; Hume's hist. v. 6. p. 260. 262.

1637. church. Both the Archbishops, a number of the Privy Counsellors, the Lords of Session, the Magistrates of Edinburgh, besides a great concourse of people of inferior rank, were assembled. Among this multitude, not a murmur was heard, till the Dean of Edinburgh, arrayed in his surplice, opened the service-book. Instantly a tumult arose, ‘*Out* (cries an old woman), *out, thou false thief, dost thou say ‘the mass at my lugg *?’* But the clapping of hands, the hisses, the curses and exclamations which immediately followed, rendered every sentence, or attempt at speech, unintelligible. The Bishop of Edinburgh, with a view to appease the tumult, ascended the pulpit; but, had not a friendly hand averted the stool which was thrown at his head, that member of the Episcopal order would have been silenced for ever. The Archbishop of St Andrews, Lord Chancellor, attempted in vain to quell the uproar. At last the Magistrates, descending from their seats, partly by flattery, by menaces, and by force, got the unruly part of the audience thrust out of the church. After which the Dean proceeded in the service; but still their devotion was disturbed by the rude multitude without, who, by raising loud clamours, rapping at the church-doors, and throwing stones through the windows, attempted to interrupt the service; and, when the congregation was dismissed, the Bishop was beset by the rabble, and had well nigh fallen a sacrifice to popular fury. In the church adjoining, the liturgy was received with less uproar; but not without obvious marks of disapprobation. In the Grayfriars, it behoved the service to be given up; but the minister of the College church forbore to begin the worship, till he learned the reception of the liturgy in the neighbouring churches, when he wisely preferred the old extempore form, notwithstanding his engagement to the contrary.

Between sermons, a meeting of the Privy Council was held, at which the Lord Provost and Magistrates assisted; and, as they engaged to exert their utmost endeavours to maintain decorum, the

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* i. e. Ear.

use of the liturgy was again attempted in the afternoon, and it was 1637.
read in some of the churches without much disturbance. Still, however, an unruly multitude rambled through the streets; and public worship being over, the Bishop of Edinburgh going home with the Lord Privy Seal in his coach, they were attacked by the rabble, pelted with stones *, and, although the coach was driven at full gallop, his Lordship's footmen gladly betook to their drawn swords to repel the fury of their assaults.

Next morning a meeting of the Privy Council was held, at which the Magistrates of Edinburgh attending, expressed their detestation of the late uproar, and their desire to seize the ringleaders †, and bring them to punishment. To encourage the ministers to read the liturgy, they voluntarily enacted themselves to indemnify the clergy, if, in the execution of their duty, they should suffer harm from the outrage of the populace. They also wrote two submissive letters to Archbishop Laud, expressing their contrition for the tumult, and their alacrity to concur in any measures for establishing the service-book.

As no new day was immediately re-appointed for the reading of the liturgy, and, as the conclusion of the term, and the approaching harvest, made it ‡ requisite for the generality of people to superintend their country-affairs, no disturbance happened for some time, and the late tumult was thought to have entirely subsided. But two of the ministers of Edinburgh, who had been suspended for not reading the service-book on the 23d of July, began to practise upon the people. Loud murmurs against the liturgy were echoed through the city; and, when they reflected that the late violent opposition to it had arisen from the very dregs of the populace, the story of Balaam's ass occurring to their imagination, made them admire the finger of the Lord, as opening the mouths of the simple to testify against

* This memorable day was afterwards distinguished in Edinburgh by the appellation of *Stoney Sunday*; Peck's desiderata curiosa, lib. 2. p. 50.

† King's dec. p. 26. et seq.

‡ King's dec. p. 31.

1637. against such gross superstition. A petition from the magistrates and inhabitants, as well as from the suspended ministers*, was presented to the Privy Council, praying that the use of the liturgy might not be insisted on; and the harvest being mostly over, a great concourse of all ranks flocked to Edinburgh, and manifested such a spirit of sedition, that there was reason to apprehend an immediate insurrection.

Oct. 17. As the privy council had been summoned in order to treat of ecclesiastic affairs, to appease the people, a royal proclamation was issued, discharging the privy council, at that time, from proceeding on the affairs of the church; and the multitude were required to disperse themselves, and to repair peaceably to their dwellings. But to this part of the proclamation no obedience was paid. Next day, as the Oct. 18. Bishop of Galloway was passing along the streets, he was beset by the populace, who first hooting at him with wild clamours and execrations, afterwards opposed him in his passage to the chamber where the privy council was sitting. Thither he at last, with much difficulty, arrived; but, instead of meeting † there with a secure asylum, he found himself and the other privy counsellors besieged by a furious rabble. The Lords of the privy council sent to the magistrates, requesting their assistance. But the magistrates stood in need of assistance as much as themselves; for the disorderly rout which besieged the privy counsellors, and patrolled the streets, had also surrounded the town council-chamber where the magistrates were sitting; nay, even thronged into it, and vowed their immediate destruction, if they would not instantly subscribe a petition against the service-book, and replace the suspended ministers. The Earl of Traquair Lord Treasurer, thinking the condition of the magistrates more desperate than his own, went to their assistance from the privy council, where he was then sitting. But the rabble assailed him with such wild outcries, as predicted more forcible outrage.

* King's dec. p. 32. Baker's chronicle, p. 459.
Rushworth's coll. vol. 2. p. 403.

† King's declar. p. 35. et seq.;

rage. On all quarters there were resounded, ‘*God defend those who* 1637.
‘*will defend God’s cause; and God confound the service-book, and all*
‘*its maintainers.*’ Instantly the mob assaulted the Treasurer, pulled off his hat and cloak, broke in pieces the white rod which he bore as the badge of his office, threw him down on the street, and, had he not instantly been raised by his attendants, who conveyed him back to the privy council, would undoubtedly have trodden him to death. As for the magistrates, they, as well as the Lords of the privy council, remained besieged in their separate chambers, till, by the interposition of some popular Lords, they were rescued from the fury of the populace.

The tumult being somewhat appeased, in the afternoon a proclamation was issued, discharging all public convocations, and also private meetings, tending to sedition. But it met with so little respect, that public deputies from the people on the next morning presented two petitions, one in the name of the *men, women, children, and servants*, inhabitants of Edinburgh, against the service-book; another in that of the nobility, gentry, ministers, and burgessees, against both the service-book and the book of canons. After this, the privy council discontinued to meet at Edinburgh. The term, which had already been removed to Linlithgow, was ordered thence to Stirling, that it might be still farther from the seditious capital: And, to repress tumultuous proceedings, Charles again had recourse to the feeble authority of a proclamation. But his orders, which hitherto were treated with heedless contempt, now met with direct disobedience. He experienced, for the first time, an act of deliberate rebellion, and that by persons of high rank: For, when he 1638.
published a proclamation at Stirling, pardoning past offences, and Feb. 19.
enjoining peaceable behaviour, it was encountered by the Earl of Hume, Lord Lindeſay, and great numbers of an inferior rank, by a public protestation, in which, after setting forth their pretended grievances, they protested, that they should not be liable to any penalties or forfeitures for disobeying any orders or proclamations in
favour

1638. favour of the book of canons, or liturgy ; and that they should not be answerable for any consequences which might happen upon enforcing these innovations. Wherever the King's proclamation was published, it was met by a counter-protest ; and a regular combination was formed to oppose the established government. The great multitude of people who assembled at Edinburgh, disposed themselves into different classes, conform to their ranks. These were called *tables* ; and from each of these respective tables certain commissioners were elected, who composed a general table which revised the deliberations of the inferior ones, and issued orders that every where met with implicit obedience.

Upon the murder of the Earl of Darnley, an association had been formed for revenging his death, and for defending the infant Prince. The murmurs which arose among the protestants at the favour which the Duke of Lennox, a papist, enjoyed with James VI. occasioned an association to be formed, A. D. 1580, for renouncing the errors * of popery †. These, and perhaps also a recollection of the furious effects produced in France by the HOLY LEAGUE, for extirpating the protestant religion, suggested to the *tables* the idea of framing A COVENANT.

This covenant consisted of a renunciation of popery, expressed in all that virulence of invective which was calculated to inflame the minds of people who did not understand the nature of what they were renouncing, yet could comprehend the infamy of the epithets applied to the object renounced. To this there followed a bond, obliging the subscribers to resist all religious innovations, and to defend each other against every opposition whatever ; and all this for the glory of God, and the advantage of their King and country ; the whole concluding ‡ with invoking the most tremendous imprecations.

* Council reg. v. 4. p. 193. ; Spottiswood's hist. p. 309. ; Sully's mem. lib. 1. ; King's dec. p. 40. † This was called the *negative confession of faith*, in opposition to the positive one, ascertaining the protestant doctrines established A. D. 1567 ; James VI. parl. 1. c. 4. ; Baker's chron. p. 460. ‡ King's dec. from p. 57. to p. 66. ; Maitland's hist. p. 80. ; Baker's chron. p. 461. ; Guthrie's memoirs, p. 30.

cations upon such as should desert the covenant. The people being assembled for the purpose, in the Grayfriars church-yard, the covenant was solemnly read aloud to them. All ranks and conditions, all ages and sexes, flocked to * subscribe it, with that ardour, as if they believed the insertion of their names in this parchment-scroll did virtually inroll them in the book of life. The desire towards the covenant did not so much originate like a disease springing from the unsoundness of the individual, as from the influence of powerful contagion. Few, in their habits, were disposed to resist it. Fewer still durst avow their disinclination towards it; and, if any were so hardy, they were compelled, by menaces, and by various injuries, to embrace it, or otherwise were turned out of their pastoral cures, or other offices which they enjoyed.

Charles, not a little alarmed at a combination so general and so violent, appointed the Marquis of Hamilton his high commissioner, with ample powers to treat with the covenanters. No sooner did the leaders of the covenant hear of Charles's peaceable intentions, than they exerted their ingenuity to prevent an accommodation. The pulpits rung with the insidiousness of Charles's designs. It was recommended to the people to avoid treaties, as snares for their destruction. All the terrors were hung out to them, of incurring the guilt of perjury, if they should abate one jot of their covenanted engagements, or if they should adopt measures without the approbation of the whole. And, lest the pulpit should not convey these exhortations fast enough, inflammatory resolutions, to the same tendency, were, with infinite despatch, circulated all over the kingdom. As if in times of the most imminent danger, new committees were

P appointed,

* The original copy of the covenant is written on a skin of parchment four feet long, and three feet eight inches deep. It is so crowded with names on both sides, that there is not the smallest space left. Some were so zealous as to add to their subscriptions, 'till death.' And when there was no longer room for subscribing at length, the eager votaries of the covenant filled the margin of the deed with their initials. Copies of it were sent from Edinburgh, and subscribed over all the kingdom.

1638. appointed, the provision of arms was increased, and all communication between the castle and the city cut off by a strong guard.

Upon the Marquis of Hamilton's approach, *the tables* discharged all the members of the covenant from waiting upon him. By this time, there were upwards of sixty thousand people tumultuously assembled at Edinburgh; and the commissioner*, thinking it neither safe nor honourable to come there, took up his residence at Dalkeith. His Grace was intreated, by deputies from the city of Edinburgh, to lodge at Holyroodhouse. This he agreed to, on the deputies becoming bound for the peaceable behaviour of the citizens, and for taking off the blockade from the castle. He set out accordingly from Dalkeith, accompanied by the Lords of the privy council, and such of the nobility and gentry as were well affected to his cause. Ere he was † half way, he was met by the whole body of nobility and gentry covenanters, who had assembled at Edinburgh, on horseback, and behind them, by the ministers and commonality, on foot, making an ostentatious display of their power and numbers. As he rode along, one of the ministers offered to entertain his Grace with a *speech*; but, being well acquainted with the nature of their harangues, he declined the compliment.

The commissioner then opened to the covenanters his main propositions, which were, ‘ *imo*, To be informed what they expected from the King, in satisfaction for their complaints; *2do*, That, on their part, they should return to their ‡ obedience, and renounce the covenant.’ To these they replied, ‘ That all they demanded from the King, was his indicting a general assembly and parliament: That, as to what was desired of them, it was absurd to require people to return to their obedience who had never departed from it; and, as for renouncing the covenant, they would sooner
‘ renounce

* King's dec. p. 82. et seq.; Hume's hist. v. 6. p. 267. † The distance from Dalkeith to Edinburgh is six English miles. But the commissioner did not come by what is now the direct road, but by Inveresk; and the multitude were drawn up on Musselburgh sands.

‡ King's dec. p. 87.; Baker's chron. p. 461.

‘ renounce their baptism than abate one syllable of it.’ Nay, they 1638.
 invited the commissioner himself to subscribe it, informing him,
 ‘ with what peace and comfort it had filled the hearts of all God’s
 ‘ people ; what resolutions and beginnings of reformation of man-
 ‘ ners were sensibly perceived in all parts of the nation, above * any
 ‘ measure they had ever before found, or could have expected ;
 ‘ how great glory the Lord had received thereby ; and what con-
 ‘ fidence they had, that God would make Scotland a blessed king-
 ‘ dom.’

In the mean time, zeal against the liturgy rose to an unexampled
 fury. Even at the reformation, the mob, with difficulty, were pre-
 vailed upon to allow Mary the exercise of her worship. But now,
 although the English service had been read in the chapel of Holy-
 roodhouse for twenty years, the people understanding, that, on the
 next Sunday, as usual, it was to be read before the commissioner,
 they sent him notice, that, if it should be used there any more, the
 clergyman who officiated should infallibly be put to death.

It was vain to treat with, and not very safe to reside among people
 in such a frame of mind. The commissioner returned to London ;
 made another fruitless journey to Edinburgh with new concessions ;
 went back a second time to London, and returned with concessions
 the most ample and satisfactory which could be given to their repeat-
 ed and rising demands, and which were rejected in such a manner as
 evidently to show, that those seditious covenanters neither wished to
 be satisfied, nor would admit of satisfaction ; and that they aimed at
 nothing else than engrossing the whole power of the nation, by the
 destruction of royal authority.

Charles, perceiving the dangerous tendency of such a band of
 union as the covenant, without sanction of public authority, nay,
 expressly contrary to law, wished to substitute in its place a band of
 union, which, while it consisted of the same violent renunciation of
 popery with the other, at the same time expressed more duty and

* King’s dec. p. 88.

1638. loyalty to the King. He, accordingly, drew up a covenant, pretty much the same with that subscribed by the late King in the year 1580, and afterwards by all ranks of people. This he required to be subscribed; but, as the covenanters perceived it was meant to weaken and divide them, they resolved that no obedience should be paid to it. He, at the same time, by his royal proclamation, discharged the use of the service-book, book of canons, and high commission; and rescinded all deeds whatever that had been made for establishing them. He also discharged the urging the five articles of Perth*; and, at the same time, indicted a general assembly and parliament. Thus did Charles yield to all their demands; and, by summoning a general assembly and parliament, in both which, as the covenanters were sure to predominate, he, in effect, left them to settle every thing at their pleasure; but to no purpose whatever; for, when his Majesty's proclamation, publishing those gracious indulgences, was read, it also was encountered with a horrible protest, full of the most captious quibbling at the proclamation, and Jesuitical attempts to misconstrue its meaning, and blast its effect; the whole couched in dictates of the most hypocritical sanctity.

The indictment, however, of a general assembly and parliament, could not fail to be agreeable to the covenanters, although they churlishly forbore to acknowledge their satisfaction. They set about modelling the election of members for the ensuing assembly, in such a manner, that none but the most rigid of their party should be chosen. They perceived in the clergy a spirit of moderation, by no means † likely to second their furious designs. On his Majesty's late proclamation, discharging the service-book, &c. the ministers of Glasgow, in a body, wrote a solemn letter of thanks to the commissioner, 'for the proclamation, which was received with acclamations universally joyful: That they praised God for inspiring their dread Sovereign with such wisdom, piety, clemency,

Sept 24.

* He had not power to abolish the articles themselves, as they were established both by general assembly and by parliament.

† King's dec. p. 184. 186. 188.

‘ clemency, and fatherly care of the church and common wealth, 1638.
 ‘ as is abundantly manifested in the said proclamation; so they
 ‘ would gladly testify, by every means in their power, their thank-
 ‘ fullness to his Majesty, “ *their crown of rejoicing, and the breath*
 “ *of their nostrils.*” And the interested, or hot brained leaders of
 the covenant, plainly saw that all their misrepresentations would not
 avail, without the influence of an undue election. Before the esta-
 blishment of prelacy, the laick and ecclesiastical members in the ge-
 neral assembly were nearly equal. James, apprehensive of zeal in
 the laity, had deprived them of their seats; these *the tables*, who
 assumed to themselves a supreme power, restored. They also issued
 an edict, ordaining, that, from every parish, a lay-elder *, as well as
 the minister, should attend the presbytery, and give his voice in the
 election, both of the commissioners and ministers, who should be de-
 puted to the assembly. Thus the number of ministers and elders,
 composing a presbytery, being equal, as it was not customary for
 the ministers, named as candidates, to claim a vote, the election, by
 that means, fell entirely into the hands of the laity. *The tables* fell
 upon another device, which rendered the election a mere farce, and
 showed how little an assembly, chosen by the unrestrained suffrages
 of the electors, would have answered their purposes. They them-
 selves nominated the whole members for the ensuing assembly. And,
 in their private instructions, they ordained, that the commissioner of
 the shire should, on the day before the election, administer an oath
 to the elders, that they should vote for none to be members of as-
 sembly, but such as were already nominated by *the tables*. If, after
 all these precautions, any malignant members should happen to be
 introduced, they had an easy way of setting him aside; and this was
 by libelling him before that assembly †, as guilty of some offence,
 no matter how void of truth, or even of probability; for, by their
 constitutions, if any member was accused before the ecclesiastical
 courts,

* King’s dec. p. 189. 191. 283.

† King’s dec. p. 207. 218. 225.

1638. courts, he could not claim a vote till he had cleared himself of the accusation. They accordingly rid themselves of the prelates in a very summary manner. They accused the two Archbishops, and the whole bishops of Scotland, as guilty, each of them respectively, of 'excessive drinking, whoring, gaming, profanation of the Sabbath, contempt of public ordinances and family-worship, mocking at preaching, prayer, and spiritual conference; as also of bribery, simony, dishonesty, perjury, oppression, adultery, and incest.' For the better publication of this modest libel, it was read in all the churches of Edinburgh, immediately after the celebration of the communion; and the day being far spent, the thanksgivings and prayers usual after that religious ordinance were omitted, to make way for this pious proclamation. Yet, so conscious were they of the infamy of their accusation, that, when the assembly was held, they did not attempt to prove * a libel, which, in itself, was so palpable a mockery of piety, morality, and truth.

That no device might be omitted, for practising upon the passions of the vulgar, the covenanters called to their aid a *propheteess*. This was one Mitchelson, a clergyman's daughter, who was subject to hysterical disorders, and, being tainted with the religious prejudices of the times, she used to pour forth wild incoherent rhapsodies, which, as they were accompanied with hysterical motions, and violent contortions of feature, produced the more sensible effect upon the spectators, who were lost in fear and in wonder, while they deemed her frantic gestures and exclamations the immediate impulse of supernatural influence. The covenant was her perpetual theme, and its leaders paid her the most profound veneration. The true genuine covenant, she said, was ratified in heaven; but the
King's

* Yet one of their slanderous preachers, who was deemed a saint among them, whose writings are a composition of hypocrisy, calumny, obscenity, and nonsense, not to add blasphemy, impudently accuses the most learned and pious prelate that ever sat in the metropolitan chair of Scotland, of incest with his own daughter. Rutherford's *Lex Rex*, p. 6. See also Rutherford's Letters.

King's covenant was an invention of Satan, and all its adherents should be confounded. When she spoke of Christ, she usually called him the *Covenanting Jesus*. Rollock, then minister of the College-church, being desired by the spectators to pray with her, answered, 'That he durst not *; for it would be ill manners in him to speak, while his master, Christ, was speaking in her.' She spoke but at times, and frequently had intermissions of days and weeks; and, when she felt the *presentiment* of an approaching impulse, the joyful news was founded abroad; nobility, gentry, clergy, in short, all ranks, flew with that eagerness to learn her inspirations, as if it had been to meet a second Redeemer. Thousands, whom the crowded house could not receive, clung about the walls, striving to suck in the least whisper of the holy sound. Her ravings were deemed the operations of the Holy Spirit, her prophecies, the oracles of truth; and each went away animated with enthusiastic fervour, and rivetted in his principles, by this immediate declaration of Heaven in their behalf.

On the 21st of November, the assembly met at Glasgow, agree- Nov. 21- ably to the royal proclamation; and, besides a vast concourse of people, almost all the nobility and gentry, of any family or interest, were present, either as elders or assessors. It might naturally be supposed, that the covenanters having unrivalled authority in the assembly, indeed almost its unanimous suffrages, of their † party, would, in determining the validity of commissions ‡, and other preliminary points, have assumed the semblance of impartiality, by adhering to the rules of the court, and the common forms of justice. Quite otherwise, they proceeded with the most flagrant contempt of decorum; and the commissioner perceiving them hurrying on with headlong impetuosity, and knowing the resolutions they had formed, dissolved the assembly. As this step was foreseen, the moderator addressed his Grace in a well written speech, which he had ready for the occasion, intreating him

* King's dec. p. 227. † King's dec. from p. 239. to p. 246. ‡ There were not above half a dozen members returned to the assembly, who had not been nominated by the tables.

1638. him not to leave them. But he required the moderator to say prayers, and dismiss the assembly; and this not being complied with, he retired, the court continuing to sit, notwithstanding the commissioner's having pronounced it dissolved. In one hour, all the acts of assembly passed since the accession of James to the throne of England, were declared * null and void, although many of them had been confirmed by parliament. Afterwards, the whole bishops were deprived and excommunicated, episcopacy, the articles of Perth, the canons, and the liturgy abolished, and every one ordered to subscribe the covenant under pain of excommunication.

Besides these, the covenanters revived a doctrine, in itself subversive of all government, but which had ever been the test of a zealous presbyterian, 'the independency of the ecclesiastical upon the civil power.' This James had compelled them publicly to abandon; but, as they had always adhered to it in secret, they now advanced it boldly. They † used to state a comparison between Christ and the King, the assembly and the parliament; and, as the former held themselves the council of the greater master, they inferred, at least, an independency upon the latter. Nay, they harboured the same pretensions to superiority over temporal princes, for which the Roman pontiff so boldly struggled. 'Kings (says their great oracle) are under the coercive power ‡ of Christ's keys of discipline; and pastors, 'as ambassadors of Christ, have the keys of the kingdom of God.' The acts of their late assembly, as well as the tenor of their conduct, showed that they did not hold this in speculation alone. But, however much they might be satisfied of the soundness of these propositions, 1639. they were sensible they would by no means be admitted by the King, and that there was a necessity for supporting their tenets by military Feb. 20. force. A meeting of the different estates of parliament was held at Edinburgh, and being resolved to act *conscientiously*, the opinion of eminent lawyers and divines was taken concerning the legality of raising war || (defensive

* King's dec. p. 317.
Rex, p. 3.

† King's dec. p. 288, 407. 408.

‡ Rutherford's Lex
|| Guthrie's Mem. p. 44.

defensive, as they termed it), and a response was delivered of course 1639. in the affirmative. Sir Thomas Hope, although he held the office of his Majesty's * advocate, was not ashamed to assist at this consultation, and to concur in the report.

War being unanimously resolved on, Lesley was appointed General. Their operations began by an attack upon Edinburgh castle, March 21. which, as it had been provided by its prudent governour with no more men than in profound peace, and was utterly destitute of provisions, it surrendered at the first summons. Their next enterprise was upon the house of Dalkeith, which † then belonged to the March 23. crown. Being a place of inconsiderable strength, it also surrendered on demand; but it was well furnished with military stores, which were removed thence to supply Edinburgh castle. Those who conducted the military operations, resolved that a fortification should be erected at Leith. The work was begun, and carried on with infinite alacrity; not only mercenaries, but an incredible number of volunteers, gentry, nobility, nay, the ladies themselves, surmounting the delicacy of their sex, and the reserve so becoming them, put their hand to the work, happy if, at any expence, they could promote so pious a cause.

The covenanters displayed their sagacity, in making the most ample preparations for the ensuing contest. Not trusting alone to their own vigour and unanimity, they despatched their emissaries to London to engage the non-conformists in their cause; and, knowing the disgust which France had conceived against Charles, for ‡ having declared his resolutions to oppose her making conquest of the Low Countries, they applied to Richlieu, who secretly lent them assistance. Every fourth man, over all Scotland, was appointed to be armed; but the chief difficulty lay in raising money. For this, various expedients were fallen on during the course of the war. First, they prevailed on a merchant, of the name of Dick, who had ob-

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tained

* Attorney General. † Guthrie's Mem. p. 44. 45. 46. ‡ Guthrie's Mem. p. 42. 47. 49. Hume's hist. v. 6. p. 272.

1639. tained a degree of wealth then not usual to be acquired by commerce, to lend them L. 20,000 Sterling; and, flattering his vanity, by making him Lord Provost of Edinburgh, they afterwards drained him of large sums, till, in the end, he died a beggar. They next ordained every person to bring in his plate to the receiver general, for which he was to receive bond from some person embarked in the cause. This proposal was not immediately relished; but the pulpits being * set to work, and the women entering keenly into the measure, it was adopted. The people were not more ready to lend money †, than those more immediately engaged in the cause, to grant their bonds for the amount; and, it being deemed an honour to be allowed to become bound for the commonwealth, the leaders of the covenant, with prudence and humility, indulged their inferiors in acquiring an honour, which, in the end, they found they had purchased dearly. The committee of estates next proceeded to impose an excise on ‡ sundry species of goods; but the citizens learning their design, rose tumultuously, surrounded the house where they sat, and compelled them to discharge the tax; yet so easily was the mob practised upon by the ministers, that, by their persuasion, they, at the next meeting of estates, allowed it to be imposed without grumbling. But the estates fell upon another expedient for levying money, on which they valued themselves highly. When any person was suspected of *malignity*, i. e. attachment to the royal cause, he was immediately called before them, and ordered to lend them one or two hundred pounds Sterling, perhaps more. If he scrupled, the proportion || was immediately doubled; or, if he professed want of money, some of the collectors, who were always at hand, offered:

* Guthrie's Mem. p. 62. 63. † These expedients were not all invented and executed at once. The first, that of borrowing money from the merchant, was practised A. D. 1639; that of bringing in the silver plate in 1640; that of imposing an excise in January 1645; that of *reaching the heart malignants* in 1647; and the city of Edinburgh's case of conscience happened A. D. 1649. ‡ Ibid. p. 125. § Guthrie's Mem. p. 204.

offered to lend him the sum, payable against the next term, with 1639. interest. This, they said, was a notable device for *reaching heart-malignants*.

But the conduct of the corporation of Edinburgh, respecting the money which they levied, deserves to be particularly described. Although no friends to the royal cause, they were prevailed on, after the murder of Charles I. to join the national engagement in favour of his son, and to advance about L. 3300, in lieu of 1200 men which they had engaged to furnish. For this purpose they borrowed a sum, the town not being possessed of ready money; but the royal army being defeated at the battle of Worcester, they totally disclaimed the engagement for which the money was raised, and refused to pay the town's creditors who had lent it them: That their consciences might be the better informed concerning the moral rectitude * of this refusal, they consulted the committee of the general assembly, 'Whether, the engagement being unlawful, they were bound in conscience to pay the money borrowed in support of it;' and the venerable the committee of assembly declared, 'It is the judgment of the commission, that the provost, bailies, and council of Edinburgh, who state the case, should not, in conscience, pay any part of the foresaid sum, nor interpose their authority for paying of the same.' But, when the creditors sued afterwards for payment of their bonds, Oliver Cromwell's parliament, not being so versant in *matters of conscience*, ordained them to discharge the debt.

Charles having also made warlike preparations, sent, under the Marquis of Hamilton, a fleet of twenty ships of war, with 5000 land-forces on board. Hamilton was instructed to bend his course for the Forth, to reduce Edinburgh and Leith to obedience; and, by making what impression he could on these parts, to prevent new levies from being made, or succours † of any sort sent to the Scots army, then on its march for England. The fleet accordingly arrived

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in

* Council reg. v. 17. p. 215. 359.
p. 467.

† Guthrie's Mem. p. 48. Baker's chronicle,

1639. in the Forth ; but remained in a state of total inaction, till the sudden pacification which Charles patched up with the Scots made him recall this warlike pageant. By an article in this treaty, it was stipulated that the garrisons should be restored to the King. Edinburgh castle was accordingly delivered to the Marquis of Hamilton ;
- May 21. but the covenanters, justly suspecting that no lasting peace would flow from so inconsiderate a treaty, and who still continued in a warlike posture, would not suffer the walls of the castle to be rebuilt, they
- June 22. having tumbled down on the King's birth-night thereafter.
- Nov. 29.

The Scots army having marched into England, and continued there almost a twelvemonth, were treated by the English parliament with a courtesy, which behoved to be extremely mortifying to Charles. The Scottish nation, in general, were inspired with enthusiastic ardour for the propagation of their theological doctrines. When they thought upon the poverty of their country, they comforted themselves, by reflecting that God had showered down spiritual treasures upon them more abundantly, than upon any people on the face of the earth. So confident were they of success, that the most zealous among * them boasted, they should carry the triumphant banners of the covenant to Rome itself. It behoved then to be highly flattering to them, to see their religious tenets approved

1641. by the English. They received, however, more substantial comfort ; the † English paid them L. 850 *per diem*, besides L. 300,000 in the name of brotherly assistance.

Charles made a journey to Edinburgh, with a desire to settle the peace of Scotland. There he resigned almost every branch of his prerogative, in so much that he hardly retained ‡ more than the empty title of sovereignty. From an error in judgment, he injured his feelings, by adopting a timid ungenerous policy, which was attended with deservedly bad fortune. Every species of preferment in wealth, title, and office, he bestowed on those whose fidelity to him

was.

* Guthrie's Mem. p. 95.
chron. p. 512.

† Ibid. p. 83.

‡ Ibid. p. 86. 87. 88. 89.; Baker's

was suspected, or whose enmity was avowed. The Marquis of Hamilton was created a Duke; but, while the patent was passing the seals, he fled from Edinburgh, on pretence that the court had plotted his assassination. The Earl of Argyle, his apparent rival, and head of the covenanters, was created a Marquis; yet, on pretence of a similar danger, he, in this unaccountable flight, accompanied his rival. The General who had conducted the army against Charles into England, was created Earl of Leven, and governor of Edinburgh castle; and the moderator of the general assembly, which, with illegal violence, had abolished episcopacy, was rewarded with the revenues of the chapel royal. As for his steady friends, they were turned out of all their employments, or passed by in total neglect, which occasioned this remarkable saying of the Earl of Carnwath, a warm adherent of the King's: 'He would go to * Ireland, and join Sir Phelim Oneal, and then he would be sure of royal preferment.' In this manner the King lost his friends, without gaining his enemies, and left the goodness of his heart to be called in question.

Upon the breaking out of the civil wars in England, the money which the parliament † of that nation had bestowed upon the Scottish army, was found not to have been misapplied. A new covenant was drawn up at Edinburgh, in the name of all ranks of the people of Scotland, England, and Ireland, in which the subscribers 1643. bound themselves to the mutual defence of each other, against all 08. 13. opponents whatever, to abolish popery and prelacy, and to reform the church of England according to the word of God, and example of the purest churches; and an army of twenty thousand men, conducted by the Earl ‡ of Leven, entered England, on behalf of the parliament.

Through the whole of this war, the conduct of the Scots was exceedingly disgraceful. From sordid motives, or intemperate zeal, they

* Guthrie's mem. p. 94. † Ibid. p. 121. 122.; Scott's hist. p. 625. ‡ Hume's hist. v. 6. p. 476.

1643. they embroiled the nation in a civil war, and displayed the most undisguised violence about religious trifles, while they covered the grossest immoralities, and the most complicated treachery to their Sovereign, under deep dissimulation and hypocrisy. Of the whole nation, the gallant Montrose alone was conspicuous for courage, conduct, and fidelity to his Sovereign; yet he, too, departed from the cause which he originally embraced. As for those whom Charles trusted, except a few who were turned out of office, their uniform purpose seems to have been to advise the King to measures that would lead to his destruction, and, at the same time, by keeping some credit with his party, to prevent his friends from acting vigorously in his behalf. Since the removal of the seat of empire to England, his Majesty's advocate is the officer of highest trust under the crown. Yet, from the first troubles in this reign, till death screened him from temporal punishment, Sir Thomas Hope abused the confidence of his Sovereign, and the high trust reposed in him, by assisting at every cabal, by suggesting every device for his master's ruin. The Duke of Hamilton, the near kinsman of Charles, as well as the first Peer of the realm, who represented his person in the great councils of the nation, who commanded powerful fleets and armies in times of critical danger, and who, therefore, should have steered no middle course, displayed that same irresolute, wavering, undecided conduct which characterized his grandson at the union, and which laid the former under suspicions of infidelity to his master, although he forfeited his life in the cause. At last the Scottish leaders were involved in a dilemma which brought on the nation a greater odium than perhaps it deserved. They were supposed to have sold their King for a piece of silver.

Charles being reduced to the utmost distress, wished to try if his appearance among the Scots could awaken in them any sparks of generosity to their fallen monarch, or perhaps excite a division between them and the parliament. For this purpose, he fled from Oxford to the Scots camp at Newark. But he had little reason to
boast

boast of his reception. He found himself a prisoner disturbed by the contentions of the Scots and English, each of them claiming a preferable right to the disposal of his person. The Scots still entertained the same idea of limiting the royal authority, and diffusing their religious persuasions, for which they had so long been in arms. Had they wished to have carried him prisoner to their own country, they could not hope to accomplish it, in opposition to the numerous and victorious armies of England, nor to defend his person without embroiling the nation in a war with a superior power, and ruining the work they had raised with such labour: And it is evident, that 1646. the only way in which they could support themselves against the parliamentary forces, was by returning to their allegiance, and, by joining the royalists in both kingdoms, to have endeavoured to obtain from the English parliament more equitable terms for their distressed Sovereign. Had a sudden impulse of a sense of duty led them to such a measure, it would have been as singular as laudable. But, to suppose them actuated by no such principle, yet joining their inveterate enemies in attacking their friends, is to figure them acting from romantic generosity, or rather from the height of extravagance. Being thus reduced to a dilemma, from which they could not extricate themselves without imprudence or infamy, they luckily bethought themselves of the arrears due to the army from the English parliament, and were resolved to sell dearly what would have been a plague to them to have kept. Accordingly, it was stipulated, that the Scottish army should withdraw, on receiving their arrears, which were fixed at four hundred thousand pounds Sterling; a half to be paid instantly, and the other within a twelvemonth; and the King was delivered up, in consequence of the transaction.

Still, however, the Scots, from the application which they made of this money, as well as from their subsequent conduct, when the court of high commission sat upon Charles, must incur lasting reproach. The parliamentary leaders appropriated great part of the money to themselves. They began, by passing an act, that none
who

1646. who had favoured the rebels, (i. e. those who adhered to the King), * should receive any part of this sum, *the Duke of Hamilton excepted*. Out of this money, they afterwards allotted to the Marquis of Argyle L. 30,000; to his friends and followers L. 15,000; to the Duke of Hamilton L. 30,000. The rest was bestowed in gratuities to the party in smaller proportions, and in paying off the army. When the parliament of Scotland learned that a court of high commission was appointed to try the King for high treason, they dissented, and protested against any violence being used against his life; and they sent instructions to their commissioners at London to exert themselves in his behalf. The nature of these instructions evince, that the Scots did not interpose warmly, nor perhaps even sincerely. The commissioners were ordered expressly, not to debate concerning the lawfulness of putting the King to death; and, at no event, to do or say any thing which might involve them in a quarrel with England. The more rigid among them entertained more decided sentiments; they boldly avowed, that Charles, in his death, 'received the just † demerit for all his oppressions, murders, treachery, and treason.'

Charles being dead, the Scottish parliament passed an ordinance, repeating their disapprobation of the bloody measures which had been pursued against him, and proclaiming his son Charles King of Great Britain; but at the same time declaring, that, before he should be admitted to the exercise of the royal authority, he should be obliged to subscribe the covenant, and, indeed, to give security for his good behaviour. Nor did he owe this declaration, in his behalf, so much to any favour they entertained for his person, or for monarchy, as to the enmity which they entertained against the *independents*, and the indignation they felt at seeing their covenant despised and rejected by the English; for, when the committee of estates learned

* Rescinded acts, Charles I. parl. 3. sess. 6. c. 31. Unprinted ditto, 30th January 1647.
Guthrie's Mem. p. 197. † Hind let loose, p. 68.

learned that his Majesty had not closed with * them in the proposals they had sent to him, then at the Hague, for the security of religion, out of forty members which sat in the committee, eighteen voted that no more addresses should be sent to the King. A violent remonstrance, by the western counties, then in arms, was presented to the estates, against their treating with the King; and, when he arrived in Scotland, in consequence of an agreement with the estates, the great apostle of the covenant † received him with a public harangue, in which he told the King, that, if he did not persist in the covenant, ‘*actum est de Rege, et re regia.*’

In the mean time, Montrose having received a commission from the King, appointing him Captain General in Scotland, landed in the north with about 500 foreigners, gallantly attempting to seat the King on his native throne, on more reasonable terms than were proposed to him by the rigid covenanters: But he suffered a total overthrow; and, disguising himself in the habit of a peasant, he entrusted his person to a friend, by whom he was perfidiously betrayed, and was carried prisoner to Edinburgh. There he was treated with all the ignominy with which base spirits exult over the object of their fear, when reduced within their power, and with the severity natural to men, whose minds were hardened, and passions inflamed against each other, by a long train of civil wars, heightened by all the rancour of theological fervour. At the Watergate, he was met by the magistrates, the city-guard, and the executioner, who conducted him along the streets in fatal pomp. The other prisoners, bound two and two, walked before him; Montrose followed, on a new cart made for the purpose, with a high seat, to which he was bound with cords, that he might be the more fully exposed to the rabble; the hangman riding before him in his livery coat and bonnet, while Montrose sat uncovered. In this manner was he con-

May 18.

R

ducted

* Peck's *Desiderata curiosa*, lib. 11. p. 12. Sir Edward Walker's historical discourses, p. 157. 160. Remonstrance of the western Scottish forces, p. 6. † Rutherford.

1650. ducted to the tolbooth, amidst an immense croud of spectators, who, so far from approving these studied indignities, lamented in tears the sad reverse of his fortune.

Next day, being Sunday, he was pestered with the visits and exhortations of the clergy, who, with officious zeal, descanted upon the enormous wickedness of his life, representing to him, that the temporal punishment he would speedily suffer, would be but a short and easy prologue to what he must undergo hereafter; and offering to pray for a deliverance to him from his lapsed estate; but he declined the compliment of their prayers, with the bitterness of which he was perfectly acquainted. At the same time, the pulpits rang with declamations against him, representing him as the grand enemy of all piety and religion, and with reproaches upon the people for the profane tenderness they manifested for him, which was termed ‘movements of rebel nature.’ Nay, to such trivial matters did their resentment descend, that the general assembly * had ordained those to be suspended from church-ordinances, who should presume to drink Montrose’s health. Next day he was brought before the parliament. He had dressed himself in gay and splendid attire, as if prepared rather to celebrate a festival, than to meet the tragical catastrophe which was to put an end to his life. There he bore, with heroic fortitude, the insults and reproaches with which the chancellor accompanied the sentence he pronounced on him, and maintained that superiority over his iniquitous judges, to which the greatness of his mind, the fame of his exploits, and the justice of his cause, so well entitled him. With equal resolution, he bore the ignominious death destined for the meanest malefactors; and his limbs were stuck up on the chief cities of the kingdom. In the last scene of this tragedy, he could not help smiling at the mistaken, yet unrelenting malice of his enemies. The executioner brought a book, which had been published, extolling his gallant exploits, and tied it about

* Hind let loose, p. 82.

about his neck by a cord. He thanked them for their officiousness, 1650. observing, that he bore this testimony of his bravery and loyalty, with more pride than he had ever worn the garter. Such is the triumph of virtue, that death, armed with every terror of cruelty and disgrace, cannot debase it; but, with inbred and essential greatness, it affords courage and consolation in the most dismal reverses of fortune.

The English parliament, foreseeing that the treaty between Charles and the Scots would probably terminate in an accommodation, sent into Scotland an army of 16,000 men, under the command of Cromwell. In order to sow divisions among the Scots, the army sent before them a declaration, addressed ‘to all that are saints and partakers of the faith of God’s *elect in Scotland.’ In this declaration, they, in very plausible arguments, charge the Scots with violation of the treaty between them; justify the independency of their conduct, in new modelling the government, as being a free state; and the necessity of their taking up arms, to prevent Scotland from entering into a treaty with the King, for restoring to him all his dominions; which treaty they conjured that nation, in the bowels of Christ, and in the fear of the Lord, to renounce; and praying, that, if it should not be renounced, ‘the precious in Scotland might still be separated from the vile.’ Cromwell’s army crossed the Tweed on the 22d of July; and, marching by Haddington, towards Edinburgh, they encamped nigh Pentland-hills, within a few miles of the city. The Scottish army, commanded by Lesley, was drawn up at Corstorphin, whence the chancellor, who was with them †, wrote to the magistrates of Edinburgh for a supply of provisions, requesting them, at the same time, ‘to ply the Lord and his throne with strong prayers and supplications in their behalf,’ without whose help they were utterly ruined. The Scottish army afterwards entrenched themselves in a fortified camp between Edinburgh and Leith; and

July 22.

R 2

Cromwell

* Declaration of the army of England, p. 3. et seq. in archives, Edinburgh.

† Letter from Lord London.

1650. Cromwell having endeavoured in vain to provoke them to a battle, and having suffered in several skirmishes, retired to Dunbar.

The subscription of the covenant being warmly urged upon Charles, and indeed made an indispensable preliminary by his subjects to their paying him allegiance; and the King, seeing no other way of recovering his dominions, at last consented to it with exceeding reluctance. He set sail for Scotland; but, before he was suffered to set his foot on shore, he was waited on by a deputation of the clergy, who exacted his subscription to the national, and to the solemn league and covenant; and, at the same time, fortified his mind with many zealous exhortations to persevere in it. The covenant being subscribed, he was suffered to land; but all his friends who had come with him from Holland, and who had shared with him the varieties of his fortune, as being malignants and profane persons, were debarred from his presence; and the clergy would permit none but their own creatures to be near him. They resolved to give him a sample of the dominion of grace. They exercised over the first magistrate of the nation the acmé of spiritual tyranny; and, as the nuncio treated the profligate King of England, so they, having brought the diadem to their feet, were resolved to trample upon it with studied indignity. The general assembly, and afterwards the committee of estates and the army, issued a declaration, in which they protested, ‘ That they did not espouse any *malignant* quarrel or party, but that they fought merely upon * their former grounds and principles: That they disclaimed all the sins and guilt of the King, and of his house; and that they would not own him, except in subordination to God, and in so far as he prosecuted God’s cause: And protested, that their conduct might not be misinterpreted, as if they had any design to support his Majesty, without his making acknowledgement of the sins of his house, and of his former ways.’ They next extorted from him a declaration, in which ‘ he gave thanks for the merciful dispensations

* Sir Edward Walker’s historical discourses, p. 166. 168.

' fations of providence, by which he was recovered out of the snare 1650.
 ' of evil councils: That he had attained to a full fenfe of the righ- Aug. 16.
 ' teoufnefs of the covenant, and was refolved to caft himfelf and his
 ' intereft wholly* upon God: That he defired to be deeply humbled
 ' and afflicted in fpirit for his father's having followed evil councils,
 ' by which fo much of the blood of the Lord's people have been
 ' fhed; as alfo, for the idolatry of his mother, the toleration where-
 ' of in his father's houfe could not but be a high provocation to
 ' Him, who is a jealous God, vifiting the fins of the father upon
 ' the children: That he ingenuoufly acknowledged all his own fins,
 ' and the fins of his father's houfe, craving pardon, and hoping for
 ' mercy and reconciliation through the blood of Jefus: That he
 ' would have no enemies but the enemies of the covenant: That
 ' he detefted and abhorred popery, prelacy, and fchifm, and was
 ' refolved not to countenance, *nor even tolerate them in any part of*
 ' *his dominions*: That he was determined in life, or even unto death,
 ' to profecute the ends of the covenant: And that, whatever bad
 ' fuccefs his Majefty's guiltinefs before God might formerly have
 ' occafioned, yet now, that the cafe was altered, and his Majefty
 ' had obtained the mercy to be upon God's fide, he hoped the Lord
 ' would graciously countenance his own caufe in the hands of weak
 ' and finful instruments, againft all enemies whatever.'

Not contented with the contumelies they had heaped upon their
 Sovereign, they prepared for him a fcene of ftill greater indignity.
 Nothing now would fatisfy the clergy, but that the King fhould do
 public† penance before the whole land. The general afsembly drew
 up twelve articles, in which they muftered all the pretended fins of
 his Majefty, and his predeceffors, for four generations back; and
 for thefe they ordained, that the King, his houfehold, and the whole
 land, fhould do folemn and public penance; an event, however,
 happened which faved him from that difgrace.

Cromwell's

* Sir Edward Walker's hiftorical difcourfes, from p. 170. to 176. † Ibid. p. 178.

1650. Cromwell's army lay at Dunbar in a very bad situation. They were so straitened for provisions, that he had meditated to send his foot and artillery by sea into England, and to break through with his horse in the best manner he could. Lesley had secured the passes between Dunbar and Berwick, so that Cromwell's retreat would have been as dangerous as disgraceful. But he was spared this mortification by the madness of the clergy. The Scots army, instead of being under the authority of their general, was regulated by a committee of clergymen, who took care to see it purged from all profane persons, that no iniquities should be committed, particularly that of Sabbath-breaking, and who, in general, superintended its motions. Having cleared the army of about four thousand profane persons, they concluded, that they were a body of saints, and consequently invincible. At the same time, the clergy had been wrestling night and day with the Lord, as they termed it. At last, a revelation was made to them, that the sectarian and heretical army, together with Agag, (that is, Cromwell), were delivered into their hands. Puffed up* with this imaginary revelation, they compelled the general, in spite of all his remonstrances, to descend into the plain, to give battle to Cromwell. In a few minutes, their

Sept 3. army of sixteen thousand foot, and seven thousand horse, was totally routed. The clergy made great lamentations. They told the Lord, that it was little to them to lose their lives and fortunes, but to him it was great loss to suffer his elect to be destroyed: And they ascribed their overthrow to the wickedness of the land, the manifold provocations of the King's house, the leaving a most malignant and profane guard of horse about the King, the owning of the King's quarrel, without due subordination to religion and liberty, and the carnal self-seeking of some, together with the neglect of family-worship in others. Besides these, they supposed that the Lord had consented to their overthrow, that more blood, blasphemy, cruelty, and treachery might be upon the head of their

* Sir Edward Walker's hist. disc. p. 180. et seq.; Hume's hist. v. 7. p. 196.

their* enemies; because victory was a burthening and weighty 1650.
mercy which they had not strength to bear; and because their ene-
mies were not enough hardened, nor they sufficiently mortified.

Charles had been reduced to so singular a situation, that the defeat
of the army fighting in his behalf was to him rather a matter of tri-
umph; for thereby he was exempted from that horrible tyranny to
which the ecclesiastics, elated by victory, would have subjected him.
They found it necessary to treat him with somewhat † more discre-
tion, lest, by urging him to extremity, he might be induced to leave
them entirely, and to throw himself upon the malignants. The
penance which they had ordained for him was changed into the ce-
remony of his coronation. And a numerous army marched with
him into England, where they suffered a compleat overthrow, which
was attended, for a period, with the entire suppression of the royalists.

Cromwell, pursuing his advantage, took possession of Edinburgh Sept. 7.
and Leith; but he did not make himself master of the castle till the
end of December. He went on with the fortifications ‡ at Leith, Dec. 24.
which the Scots had left unfinished; and he used the people, in ge-
neral, with much civility, yet plundering, at the same time, the
houses of those who had manifested, towards him, their enmity and
terror, by deserting their habitations. Upon news being received
at Edinburgh, of the defeat at Dunbar, the Lord Provost and Magi-
strates, at the desire of the Chancellor ||, left the city and fled to Stir-
ling. That the place might not remain in a state of anarchy, the
inhabitants assembled, and chose, from among their number, thirty
of their most respectable citizens, whom they invested with powers
to treat with Cromwell, to preserve the peace of the city, and to
manage its affairs, till the legal administrators of the city should re-
sume their function. These discharged their trust with such pru-
dence and fidelity, that, on the town-council's being re-established,
they

* Rutherford's letters, p. 554. † Hume's hist. v. 7. p. 201. ‡ Sir Ed-
ward Walker's hist. disc. p. 186. Scot's hist. p. 664. Baker's chron. p. 603. || Coun-
cil reg. v. 27. p. 291. 292.

1650. they not only received the thanks of the city, but got a more solid * mark of approbation, in having the orders and resolutions pronounced, during their management, legally confirmed.

1652. Upon the English commissioners for settling the affairs of † Scotland being arrived at Dalkeith, a deputation of the citizens waited upon

Jan. 20. them, and solicited a restitution of their magistracy. The commissioners accordingly, having examined the former grants, constituting the political constitution of the borough, restored to them their magistrates and council as formerly. The English parliament also required the pro-

Feb. 11. prietors of houses, and inhabitants ‡ of Edinburgh, to choose two representatives to meet with the commissioners at Dalkeith, along with those from the other boroughs and counties in Scotland, for settling the government of the nation. An appearance of assent was obtained in this assembly to Cromwell's || scheme, of incorporating England, Scotland, and Ireland, into one commonwealth; which, after this

assent had been obtained, was ratified by an ordinance of the parliament of England. By the articles of Union, thirty members from Scotland, (out of which the city of Edinburgh to choose two), and the like number from Ireland, were to assist the English representatives in forming the parliament of the commonwealth. But Crom-

1654. well himself portioned out the districts which were allowed the privilege of parliamentary representation. In these articles, Cromwell displayed his sagacity, in wrenching the exorbitant power from the Scottish chieftains, by the abolition of that vassallage, in which they held their dependants enslaved, and which has been found so incompatible with liberty, as to have been utterly eradicated, after the extinction of the last rebellion, agitated by the house of Stuart. English judges, joined to some Scottish, decided all causes; and, although

* Council reg. v. 18. p. 14.

† Council reg. v. 17. p. 295.

‡ Council reg.

v. 17. p. 298.

|| Declarations, ordinances, and proclamations of Cromwell and the English parliament, 12th April, and 27th July 1654.

though the government was founded in manifest usurpation, peace 1654.
and order were maintained *, and justice distributed with a more
steady and impartial hand, than when Scotland was under the go-
vernment of her native monarchs ; or, indeed, to speak more pro-
perly, under the influence of her tyrannical nobles.

* Hume's hist. v. 7. p. 215.

CHAPTER

CHARLES being restored to the throne of his ancestors
without bloodshed or opposition, the loyalty of his subjects
gave full scope to their passion for monarchy, by an ample
exercise of the power * and prerogative of the crown. The city of
Edinburgh, as a testimony of her loyalty, sent the King £1000
and his Majesty, in return †, gave the magistrates power to levy one-
third of a penny on the pint of ale, and to spend on the pint of
wine consumed within the city ; for it has always been a custom
for the inhabitants, whether the magistrates testified their
loyalty or sedition. Both were made prizes for being sworn from
the inhabitants ; and the only difference lay in the name bestowed
on this exaction, which, in the one case, was called a tax, in the o-
ther a fine.

Nowwithstanding

* As a specimen of the manner in which the city was treated, during the life of
James VI. see the account of the city in the reign of James VI. p. 114.

CHAPTER IV.

RESTORATION—Re-establishment of Episcopacy—Duplicity of Charles II.—Severities of Government towards the Presbyterians—Insurrection—Defeat of the Insurgents, and their Resolution under their Sufferings—Various Measures of the Court—Archbishop Sharp—Perfidy of Charles's Ministers—Extension of the Prerogative—Additional Severities of Administration—Treasonable and frantic Doctrines of the Covenanters—Murder of the Archbishop of St Andrews—Insurrection—Battle of Bothwell Bridge—Declaration of Sanquhar—Cargill, a Clergyman, excommunicates the King—Another Insurrection—Earl of Argyle—Apologetical Declaration—Rapacity of Lauderdale—Reflections on the foregoing Period—Prices of Provisions from A. D. 1600 to 1685—Specimens of the King's College Table, Aberdeen—Specimens of the Table of the Earl of Hadington.

1660. **C**HARLES being restored to the throne of his ancestors, without bloodshed or opposition, the loyalists, so long depressed, gave full scope to their passion for monarchy, by an ample increase of the power * and prerogative of the crown. The city of Edinburgh, as a testimony of her loyalty, sent the King L. 1000 and his Majesty, in return †, gave the magistrates power to levy one-third of a penny on the pint of ale, and twopence on the pint of wine consumed within the city; for it has always been equally unfortunate for the inhabitants, whether the magistrates testified their loyalty or sedition. Both were made pretexts for levying money from the inhabitants; and the only difference lay in the name bestowed on this exaction, which, in the one case, was called a *tax*, in the other a *fine*.

Notwithstanding

* As a specimen of the manner in which the birth-day was observed, during this tide of loyalty, see appendix No. III.

† Council reg. v. 20. p. 150. 213. 214.

Notwithstanding the tide of loyalty which swelled the breasts of 1660. the royalists, which, in its extravagance, affected to consider the very seasons themselves as improved, the earth as yielding a double crop, and the rivers pouring forth their scaly fry in liberal abundance, at the approach of their returning Monarch, still the bulk of the nation were presbyterians. These uniformly inclined to circumscribe the royal authority. Indeed, many among them, in their sentiments, preferred a republic. The King was fully sensible of their inclinations; he had, besides, suffered many indignities from them; and he seems to have adopted a resolution to eradicate the principle, and to suppress the party. A resolution which he pursued through much tyranny and bloodshed; and which, in all probability, laid the foundation for the utter ruin of the house of Stuart.

Charles, on his accession, had written to the presbytery of Edinburgh, assuring them of his * determination to support the church-government, as by law established. But this was merely duplicity and deceit; for, as the complaisant parliament, which met soon after, rescinded, at one stroke, the whole acts passed since A. D. 1633, those in favour of presbytery being of the number, episcopacy came to be tacitly re-established, and a royal proclamation soon rendered that establishment direct. Jan. 1. 1661.

With the generality of mankind, especially in unenlightened ages, the attachment to the most valuable of our natural rights is not so zealous as to certain favourite tenets, or even forms of religion; and, it is generally observed, that the violence of the attachment increases in proportion to the insignificance of the subject of religious controversy. In the death of his father, and the loss of his dominions, Charles might have beheld many circumstances which were experimental proofs of this doctrine. The Scots had ever entertained a violent aversion to episcopacy. The King had but just recovered from the recent and fatal effects of it. When his subjects received him

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from

* Records of privy council, No. 4. p. 27. Sept. 6. 1661.

1661. from Breda, the security of the presbyterian religion was stipulated as a preliminary article to their paying him allegiance. At his coronation, he bound * himself, by the most solemn oath, to preserve it. At the restoration, he repeated these assurances. The presbyterians could not withhold their indignation and resentment against Charles, for overturning, at the expence of such complicated perfidy, the laws establishing their religion; a perfidy which was to introduce the detested liturgy, in room of the enthusiastical rhapsodies of their preachers, which were listened to with a delight proportioned to the barbarity of the audience, and which was to substitute the decent ceremonies of the episcopal communion, in place of that wild informality which was more suitable to the unbounded fervour of their imagination. Nor were they simply debarred from their own religious communion. A rigid attendance on the established church was enforced with high pecuniary penalties. The zeal of the royalists overcoming their prudence, they embraced every opportunity of displaying the triumph of their party. The presbyterians had been always averse to the observation of particular days, which they deemed highly superstitious, perhaps even impious. When required to observe the birth-day, they answered thus: ' That they kept † *with strictness the holy Christian Sabbath*: That they would keep no other holy-day: That, on the most cogent reasons, they did not observe Christmas nor Easter; and that they could not do for their *King*, what had not been required of them to do for their *Saviour*.' The government degraded themselves in a contention with such men as these, and, encountering both their appetites and their prejudices, the privy council, besides insisting on the observance of the birth-day, enforced the rigid keeping ‡ of lent, and extended the *meagre days* to every Wednesday, Friday, and Saturday through the year, on which days *no person durst eat flesh without warrant from the privy council*. The seeds of mutual jealousy were

* Form of Charles II.'s coronation at Scone, p. 67.

† Wodrow's hist. v. 1.

p. 106.

‡ Records of privy council, No. 1. p. 123. 338.

were sown. They sprung up to a rancour which disgraces the æra : On the one hand, to excessive tyranny and cruelty ; on the other, to the most extravagant and uncontrollable spirit of rebellion.

Charles was hardly re-established on the throne of his ancestors, ere the privy council, the court which issued the edicts of his tyranny, betrayed a jealousy of the people. These, indeed, had already, in a variety of anonymous publications, manifested their discontent, and even sedition. The liberty of the press, which, except in the late troubles, had ever been extremely limited, was now fettered with additional shackles. The Lord Advocate of Scotland *, and the Lord Provost of Edinburgh, were ordered to seize upon seditious publications, among which were reckoned a translation of Buchanan's treatise '*de jure regni apud Scotos.*' People who happened to hold copies of obnoxious performances, were required to transmit them to the sheriffs of their counties, or the clerk of privy council, under high penalties, sometimes amounting to a hundred and fifty guineas a copy ; and, besides, they were made liable to be held as the authors. A sentence of banishment to Shetland, even against women †, was deemed an adequate punishment for this imaginary 1662. offence.

Suspicion and terror are ever the concomitants of conscious guilt. An edict was published ‡, ordaining all inn-keepers and burghesses of Edinburgh, *every night*, to give up lists of strangers residing with them ; and the disarming laws, passed by James VI. which, with anxious jealousy, deprived the people of the use of fire-arms, were put in rigorous execution, in so much that a gentleman could || not keep a fowling piece for the purpose of sport, without a warrant from the privy council.

These were but a few among the illegal and oppressive measures of administration. Charles suspended, in direct terms, an § act of parliament

* Records of privy council, No. 1. p. 55. 7th Nov. 1661. p. 364. 541. Charles II. parl. 1. sess. 3. c. 2.

† Wodrow's hist. of the sufferings of the church, v. 1. p. 236.

‡ Rec. of p. council, No. 1. p. 187. || Ibid p. 560. § Ibid p. 563.

1662. parliament passed in his own reign. The privy council assumed a power of banishing summarily * to † the West-Indies persons who had committed riots, or otherways rendered themselves obnoxious. The episcopal religion was so generally disagreeable, that nearly an half ‡ of all the clergy in Scotland were deposed for not conforming to it, perhaps, indeed, for more absurd instances of obstinacy; for many of them were so extravagant, that, on no account whatever ||, would they take the oath of allegiance, but preferred deposition and banishment, the certain consequences of their refusal. Enormous fines were imposed on account of non-attendance on established worship, and other absurd pretexts; in so much, that, in the course of one session of parliament, eighty-five thousand pounds Sterling were squeezed § from the subjects in those tyrannical exactions.

And

* About this period, a tumult of a very singular nature happened in Edinburgh. We have not been able to discover the smallest vestige of its original cause; its more immediate one was somewhat extraordinary. A combination had been formed (from what motives we know not,) among the whole shop-keepers in Edinburgh, to keep their shops shut. This resolution they persisted in for two successive days **. The confusion which, in a great city, behoved necessarily to flow from so whimsical and perverse a combination, may be easily conceived. A tumult arose; and it would seem that some of the rioters had proceeded to very unwarrantable measures. The privy council assembled. They required the magistrates to command the citizens to open their shops instantly, and, if they failed to comply, to break them open by force. In consequence of this order, the tumult was appeased. Sundry rioters were committed to jail; and a report upon this affair was laid before his Majesty, which, it is to be regretted, is not inserted in the records of the privy council. The King, by a letter of his to the privy council, appears to have been much displeased. He complains, that the Magistrates, by keeping their own shops shut, provoked the people to uproar: That afterwards they were very remiss in appeasing the tumult: That, however, he was willing to consider this riot as the inconsiderate folly of insolent young men, and, therefore, his Majesty inclined, *that the prisoners should not be put to death, but be subjected to such arbitrary punishment, as the privy council should think fit.* Several of the rioters were accordingly banished for life. It is remarkable, that no traces of this affair are to be found in the town-council register.

† Rec. of privy council, p. 447. 583.

‡ Wodow's hist. v. 1. p. 154.

|| Rec. of privy council, No 1. p. 209.

§ Wodrow's hist. v. 1. p. 121. and appendix to ditto, No 33.

** Records of privy council, No 1. p. 425. 439. 442. 447. Nov. 1664, and Jan. 1665.

And arbitrary imprisonment was carried to such a height, that there 1666. are instances of gentlemen of family and fortune having, upon suspicion of * being disaffected, been detained in prison for a period of five years.

But none of these acts of tyranny so greatly exasperated the people, as the strict prohibition of every meeting for the purpose of religious worship, except such as were by law established. These meetings were denominated *conventicles*; and all who assisted at them were made liable to fines†, imprisonment, and corporal punishment, at the discretion of the privy council. Military force was let loose among the people, for the execution of this tyrannical law, and its command entrusted to officers who had augmented the natural ferocity of their dispositions under the barbarous despotism of Russia.

Irritated by such manifold oppression, the western shires, which had been the principal sufferers, rose in arms. They surprised and disarmed a small party of the King's forces at Dumfries; and thence they marched towards Edinburgh. Still, however, they professed submission to the King, only requiring the re-establishment of the presbyterian religion, and of their former ministers. The privy council were extremely alert in their endeavours to suppress this insurrection. General Dalzell, with a body of forces, was sent out to oppose the insurgents. The city of Edinburgh was put in a posture of defence, the gates shut, and fortified with cannon from the castle. No person was allowed to leave the city without a pass. The gentlemen of the neighbouring shires were called to its defence. The college of justice formed themselves into a company for the support of government, and were supplied with arms by the Lord Lyon; and all the gentlemen in Edinburgh who had horses, were ordered to assemble themselves in the Meal-market, there to be in readiness to march, under the Marquis of Montrose, to assist the general.

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* Rec. of privy council, No 2. p. 15.
 appendix, No 46.; Hume's hist. v. 7. p. 452.

† Wodrow's hist. v. I. p. 227.; and ap-

1666. The insurgents were speedily quelled. Their number had never much exceeded two thousand; and, on the night preceding* their defeat, in the course of a very fatiguing march, without provisions, through bad roads, in a night to be reckoned severe, even in that
 Nov. 28. rigorous season, they lost half their army. Upon the approach of the King's forces, the insurgents, with prayers and singing of psalms, prepared themselves for battle. They sustained the first charge very resolutely; but falling into confusion, they were soon totally routed. About fifty were killed, and a hundred and thirty taken prisoners. The darkness of the night, and even pity in the King's troops, suffered the rest to escape.

The business of the public executioner was still to follow. About forty people died on the scaffold. Some of them were previously tortured, and their limbs were stuck up in different quarters of the kingdom. These bloody executions produced a very different effect from that which was intended. They had been principally† abetted by the Archbishop of St Andrews, which brought an additional odium on the whole prelatical party. They excited pity towards the sufferers, and horror at the authors of their calamities. The resolution with which these unhappy people met their fate, begat, in the spectators, a respect to the cause for which they suffered: A cause which inspired in its adherents a confidence not to be shaken by death itself. Some of the sufferers were transported to a degree of enthusiasm which elevated them beyond every power of external circumstance: 'Farewell,' (says one of them in his dying moments), 'Farewell sun, moon, and stars; farewell world and time; farewell weak and frail body; welcome eternity; welcome saints and angels; welcome Saviour of the world; and welcome God, the judge of all.'

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* Records of privy council, No 1. p. 618. 620. 623. 624.; Wodrow's hist. v. 1. from p. 241. to p. 250. † Ibid. No. 1. p. 630. 637.; Wodrow's hist. v. 1. lib. 2. cap. 1. sect. 3.; Hume's hist. v. 7. p. 454-

A circumstance so favourable to government as a suppressed rebellion, could not, when we reflect on the use they made of their victory, and the general aversion of the people, establish the nation in solid peace. Charles himself was averse from the late rigorous prosecutions. His good humour inclined him to humane measures; but his indolence prevented him from checking decisively the austere conduct of his ministry: And, it is said, the Archbishop of St Andrews dared to keep up a letter from * the King to the privy council, stopping further executions, till such time as some of the unhappy persons, under sentence of death, had fallen a sacrifice to his vengeance. The judicial sentences, in all their severity, were but a part of the sufferings of the people. Soldiers, commanded by officers of the most brutal temper, were quartered in † the disaffected counties. These officers exercised gross rapaciousness and cruelty. When Charles received information of these proceedings, he ordered the privy council to make inquiry concerning them; in consequence of which, some officers were made to refund their oppressive exactions, were broke, and banished the kingdom.

1666.

The good inclinations of the King, joined to the appearance of some sparks of humanity in the breasts of his ministers, perhaps also a reflection upon the impossibility to extirpate the presbyterian religion, which, like the hydra, rose with fresh vigour from blood and oppression, induced the court to pursue more gentle measures. In A. D. 1662, a statute had been passed, obliging every person in office to subscribe a declaration, which testified the declarer's adherence to the unlimited principles of passive obedience and non-resistance, and contained a renunciation of the *solemn league and covenant*. As the people were extremely averse from a declaration so repugnant to their real sentiments, another test was substituted in its place. Still it must be confessed, that the change was not much for the better. Sir George Mackenzie, afterwards King's advocate, in all the meanness of a professional lawyer, happened to conceive a most absurd analogy,

1667.

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between

* Wodrow's hist. v. 1. p. 255.

† Ibid. p. 264. 282. 285.

1667. between the situation of one fellow-subject, dreading harm from another, and the King jealous of his people. He reflected, that, by the law of Scotland, any man who shall go before a magistrate, and make oath, that he believes himself * to be in danger from another person, may get out against that person, a *writ of lawburrows* †, by which the person is obliged to find surety, under a certain penalty, that he will do no harm to the complainer nor his effects. This idea, Mackenzie extended to the crown, and made the King take out a sort of general *writ of lawburrows* against his subjects. To this purpose a *bond of peace* was framed, by which the subscriber was bound, under heavy penalties, not only for himself, but for his whole servants, and even tenants, that they should not infringe the public peace. The people perceived, that, in this act, the ministry exposed the jealousy of the Sovereign, and prostituted his dignity. They observed the ridicule of giving sanction to established law by private contract, and the iniquity of making one man answerable for another's conduct; for these reasons, many refused to subscribe the bond.

To reconcile the people to episcopacy, a scheme of *comprehension* was proposed. By this proposal, it was intended, that the authority of the bishops should be diminished, and the most obnoxious parts of episcopal ‡ church-government abolished; but the presbyterian, puffed up with his own ideal sanctity, rejected *communion* with a different sect. The government next adopted a measure, which should undoubtedly have given satisfaction to those of both persuasions. In the vacant churches, they admitted such of the expelled preachers as had conducted themselves with some degree of moderation, bestowed on them a small salary of about twenty guineas a year, requiring of them no submission to the established religion, and permitting them to exercise the presbyterian form of worship in

* Wodrow's hist. v. 1. p. 278. 279.
or *borgh*, signifying the finding of surety.
hist. lib. 2. cap. 4. sect. 2.

† It is derived from an obsolete word *borrow*
‡ Hume's hist. v. 8. p. 46. 47. Wodrow's

in their congregations. At the same time, a scanty livelihood was provided for such of the expelled preachers as could not find vacant churches for their admission, upon condition, that, in the mean time, they should refrain from preaching in publick. 1667.

These *indulgences* were, at first, accepted very graciously; but there are never wanting people who find an interest in embroiling the affairs of a state. The most extravagant of the presbyterian clergy, who had been banished for their outrages, from their places of retreat in Holland, found means to disperse, in this country, a number of inflammatory publications, which enraged the people against an *indulgence* that had hitherto afforded great satisfaction. Indeed, the populace, of themselves, did not relish the discourses of their reinstated preachers, like their former harangues. They lamented the insipidity of scriptural doctrine, recommending a Christian life and conversation, substituted in place of violent declamations, abusing their governours, descanting on matters of state, and inflaming and gratifying the resentments of a rabble: A rabble, who observed of their reinstated pastors, ‘*that the salt of their doctrine had lost its savour.*’ As the government thought, that all pretences for holding conventicles were removed by the late *indulgence*, these seditious meetings were prohibited under very high penalties, the hearers being subjected to pecuniary mulcts; but the preacher (if in field-conventicles) to death itself. The magistrates of royal boroughs were, at the same time, compelled to give bond, that no conventicles should be held within their jurisdiction, and the penalties in the bonds were rigorously enacted, especially from the magistrates of Edinburgh. 1668.

As these penalties were generally deemed rigorous beyond measure, when applied to those statutory crimes, people were extremely unwilling to give testimony against offenders. To supply this defect, the government fell upon an expedient, which must inspire an everlasting

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abhorrence

* Charles II. parl. 2. sess. 2. chap. 2. and 5. Records of privy council, No. 2. p. 197. No. 3. p. 102. 242.

1668. abhorrence of its memory. It was enacted, not that a person summoned before a competent judge should be obliged to give evidence against any certain person, upon special matters, but that every person who should be cited before any one having authority from the King, should be obliged to accuse, upon oath, all persons whatever, who had, in any shape, offended in state-matters, or against the laws respecting conventicles, or harbouring or conversing with persons outlawed; and that under a discretionary penalty of fining, imprisonment, or banishment. Thus compelling people to the odious task of informers, and that, without exception, against their nearest and dearest friends.

The late *indulgence* had wrought no solid nor lasting influence upon the people, and the attempt of a desperate fanatic heightened the displeasure of the court against their stubborn dispositions. In the late insurrection, the insurgents had betrayed more violent animosity against * the established episcopal clergy, than any other class of people. Indeed, it became a matter of principle with the presbyterians, to harass the episcopal clergy, as opportunities of insult and injury occurred. James Sharp, Archbishop of St Andrews, was peculiarly obnoxious to that party, both because they considered him as an apostate, and because, like most converts, he had become the rigid persecutor of the sect which he deserted. One afternoon, as his Grace sat in his coach, at the head of Blackfriars-wynd, and as the Bishop of Orkney was stepping into it, one Mitchell, a presbyterian preacher, aimed a pistol at the Archbishop; but the Bishop of Orkney had the ill fortune to receive the shot. He was wounded in † the groin, and his arm broke by five balls. The villain fled; the gates of the city were shut; none was allowed to pass without leave from a magistrate; a strict search was made, in which a hundred soldiers assisted; yet, by changing cloaths, he escaped. At a succeeding period, however, he fell a victim to the resentment and security of the primate. It must be confessed, that his atrocious and reiterated

* Rec. of privy council, No. 1. p. 685. No. 2. p. 337.

† Ibid No. 2. p. 95.

reiterated assassinations, deserved the severest punishment; yet his destruction was accomplished through a scene of perfidiousness, which leaves the deepest stain on the Scottish annals, branding the ministers of Charles with the public violation of the most essential principles of morality, and the most solemn rites of religion. 1668.

At the distance of six years after Mitchell's first attempt, the Primate recognized, in one who eyed him narrowly, the features of the person who fled from his coach, after discharging the shot which wounded the Bishop of Orkney. He ordered him to be seized, and a pistol was found on him charged with three balls. After such pregnant grounds of suspicion, he was examined by the privy council, both respecting the late insurrection at Pentland, and the shooting at the Archbishop. He voluntarily confessed his accession to the former, but denied the latter. *Upon assurance, however, of his life, being made him by the privy council*, he confessed the assassination also. He was afterwards required to adhere to his confession before the court of * justiciary; and was certified, at the same time, that, if he did not comply, he should lose the benefit of the assurance † made him. Being accordingly brought before that court, interrogated, and refusing to confess, he was put to the torture, and, under the blows of the executioner, had resolution to persist in his denial, till he fainted through extremity of pain. He was sent to the Bass, a steep and narrow rock surrounded by the sea, at that time used as a state-prison for the miserable covenanters. There he remained for two years, till the ministry, willing to strike terror afresh into the breasts of the covenanters, produced him again. Sir George Mackenzie, Lord Advocate, who assisted at the privy council when Mitchell confessed, *and obtained assurance of his life*, indicted him capitally for assassinating an Archbishop and privy counsellor. No proof of his guilt could be established, but his former confession.

* The supreme criminal court in Scotland. † Records of privy council, No 3. p. 63. 313. ; Records of justiciary, 25th March 1674, 24th Jan. 1676, 9th Jan. 1678; Wodrow's hist. v. 1. p. 375. 513.

1668. confession. This he judicially denied. But it was proven against him by the Dukes of Lauderdale, and Rothes, Lord Commissioner, and Lord Chancellor ; by the Archbishop of St Andrews, and Maitland the Lord Treasurer-depute ; all of whom expressly swore, *that no assurance of life had been given him* ; although the records of the privy council remain to this hour the incontestible monument of their perjury. The unhappy prisoner produced, in his defence, a copy of the act of privy council, which contained *the assurance of his life* ; and required, that the original might be exhibited. This the judges refused, on pretence that the formalities of the court did not admit of a requisition urged so late ; that the records of privy council, as containing the King's secrets, ought not to be divulged ; and that the fact was already sufficiently established by the testimony of these honourable privy counsellors. After such procedure, it is needless to add, that he was condemned and executed.

In proportion as the covenanters betrayed their disaffection, new methods were to be devised for enlarging the power of the crown.

1669. New rigours were to be exercised over the people. Two statutes were passed, of the most important consequence to civil and religious liberty. By the one, it was declared, that the settling of every thing which respected the external government of the church, was a branch of the royal prerogative : That, whatever related to ecclesiastical persons and affairs, was to be regulated by such directions as the King should send to his privy council : And that these being published by them, should have the force of laws. Nothing could be more servile, nay, even profligate, in a parliament, than, when a great body of the people were such zealous sticklers about a particular mode of religion, to vest the King with a power of introducing any religion he pleased ; for, by this statute, he might legally have re-established the catholic, had he thought *proper*, and probably would have done it, had he thought it *practicable**. The other statute supplied him with a great military force. Charles, when the
army

* Charles II. parl. 2. sess. 1. c. 1. and 2

army was disbanded, had, by his own power, established a militia. 1669. This was now settled by parliament, at the number of twenty-two thousand men, who were to be constantly armed, and regularly disciplined. It was further provided, that this force should be held in readiness 'to march to any part of his Majesty's dominions of 'Scotland, England, or Ireland, for any service wherein his Majesty's honour, authority, or greatness, might be concerned.' Charles had also the advantage of disguising his own orders, under the name of the privy council, whose mandates the militia, by this act, were bound to obey. By these statutes, the parliament renounced the safe-guards of their own constitution, and showed, that they had not the smallest objection to assist in overturning that of England.

Besides those ample augmentations of power, which were thus vested legally in the King, his ministers made daily invasions upon the established rights of the people. Freedom of election in most of the royal boroughs was overturned. Upon pretences frivolous or false, the King prohibited, for a season, any election of Magistrates 1674. to be made * in Edinburgh; ordering the same Magistrates to officiate for a year longer than they were entitled. And the very next year he issued a letter, turning out twelve members of the town-council from their offices, and authorising the remaining members to proceed in filling up, and electing the council anew.

By the law of Scotland, especially according to its more antient practice, a conveyance of lands by royal charter did not entitle the person in whose favour the deed was conceived, to erect a *fortalice* † upon his lands, unless that privilege was expressly granted, it being deemed a right inherent in the crown. In consequence of this ‡ idea, the crown, by disposing of a *fortalice*, or privilege to erect one, did not deem itself to be so entirely divested of its right, but that, in times of public commotion, it might be resumed, and garrisons placed

* Records of privy council, No 3. p. 168. 293.
 † Craig, Jus feudale, lib. 2. dieg. 8. sect. 3.

‡ Fortified house, house of strength.

1674. placed in the *fortalice* by the crown, a right which is indirectly acknowledged by the declaration * of estates at the revolution ; and, if the possessor with-held it, it was deemed an act of treason. Accordingly, the first breach of allegiance which plunged the Earl of Huntly into ruin, was his refusal of admittance to Queen Mary into the castle of Inverness, a refusal for which the keeper of the fortress, upon its reduction, was instantly hanged. Charles made a rigorous use of this privilege. On pretence that the western counties, from their disaffection, and illegal meetings for public worship, were in a state of war, he dispossessed twelve gentlemen of their houses, which he converted into garrisons, for the suppression of conventicles. He also, upon a difference happening between the Lords † of Session, and a majority ‡ of the faculty of advocates, banished the

* Acts of estates of Scotland, c. 13.

† Records of privy council, No 3. p. 171.

216. 245. 249.

‡ Mr Hume, whose writings are an honour to the language and the age, has not, in this matter, attained his usual accuracy of information. He observes, that ‘ all the lawyers * were put from the bar, nay banished by the King’s order twelve miles from Edinburgh ; and, by that means, the whole justice of the kingdom was suspended for a year.’ This was by no means the case. About fifty of them, indeed, were suspended from their office, either for not making the submission required, or for *having perversely withdrawn their attendance on the court*. Still, however, many lawyers remained, and, in fact, the ordinary † course of justice was not suspended, but proceeded as usual. We are by no means of opinion, that this edict, banishing the lawyers, was (all things considered) a very violent stretch, or rigorous exertion of power. That it would have been inconsistent with the *defined* liberties of the present constitution, is undeniable. Perhaps it may be argued, that, making allowance for those times, and acknowledging the lawyers to have been in the wrong, still suspension from office sufficiently chastised their obstinacy in error, and that banishment from the capital was gross oppression. But, it must be observed, that, without banishment to a distance from the courts of law, there was no possibility of preventing the lawyers from evading the suspension, in many branches of their profession.

The subject of dispute between the judges and the advocates was, Whether any appeal lay from the court of session to the parliament ? It is obvious, that, in this contest between the bench and the bar, law, and the practice of the court, independent of expediency, fell

* Hume’s hist. v. 8. p. 52.
of privy council, *ut in textu*.

† Stair’s decisions, v. 2. A. D. 1675, 1676 ; Records

the latter twelve miles from Edinburgh, till they should acknowledge the unlimited supremacy of that court. 1675.

These grievances were far exceeded by the severities which followed. Notwithstanding the rigorous laws which had been made against separation from the established religion, conventicles, especially in the western shires, still multiplied. A bond was framed and sent to these counties, which all gentlemen of landed property 1678. were required to subscribe. By this deed, the subscribers became bound *for the whole persons residing upon their estates*, that none of them should be present at conventicles, nor harbour, supply, nor hold communication with any forfeited persons or vagrant preachers. And further, that subscribers should use their utmost endeavours to bring the contraveners to justice; and all this under high penalties. Those who engaged to subscribe these bonds, saw no other security but in turning out those tenants whose religious principles they suspected, thereby depopulating their own estates; and, as for these miserable tenants, new laws were framed for hunting

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them

fell alone to be considered. Both these appear to us to have been clearly favourable to the independent jurisdiction of the court. In the original establishment of the court of session, all appeals from its decrees were prohibited by express statute. When it was * modelled anew by James V. its sentences were declared to have the same strength and effect as those of the former Lords of session, in all time bygone. And in practice, appeals from the court of session to the parliament had been rarely attempted, and uniformly disallowed. It is obvious, that, if a court shall be treated with contempt by any, but more especially by its own members, that these should be highly censured; and no greater instance of contempt can well be figured, than obstinately to disown the established authority of the court. Thence it appears to us, that the court was under a necessity of vindicating its independent jurisdiction; and, further, that the King, as the fountain of justice, might, especially in those times, when the powers and privileges of the different branches of the legislature were not accurately defined, support, by his edicts, the honour of the judges, whose extensive jurisdiction was ratified by parliament. At the same time, we must applaud that firmness of mind which the advocates, on this occasion, displayed. Supposing them to have been erroneous, they undoubtedly meant well; and their opinion was not to be intimidated by the frowns of the judges, nor the indignation of the Sovereign. It will be well with that learned and respectable body while they imitate the independent spirit of their predecessors.

* James I. parl. 3. c. 65.; James II. parl. 14. c. 62.; James V. parl. 5. c. 39.

1678. them off the face of the earth ; so that *literally* they might not have a place where to lay their heads.

As it was foreseen that few would relish this bond, to enforce the subscription, an armed crew was let loose against this unhappy district. In consequence of an agreement made with the Highland chieftains, these called out their clans to the number of 8000. This undisciplined and disorderly crew, issued from the most uncivilized parts of the north, and, in conjunction with the militia of Angus, and some regular forces, spread themselves over the western counties. The bond was tendered to every one, and whoever refused it, was sure to have so many of this disorderly rabble set to live at free quarters in his house. It is easy to conceive the violence and rapine * which would be exercised by a set of people, who, at no time, entertained very refined ideas of property ; but who, when sent to chastise the obstinacy of men, whom they were taught to consider as the enemies of their Prince and their religion, would think that they did a service to the King, by gratifying their own rapacity in every variety of extortion. They made a prey of whatever came within the reach of their ravenous hands ; and, if they suspected any concealment, compelled, by torture, the unfortunate objects of their suspicion to discover their hidden wealth. As the Highlanders themselves were extremely indigent, not only the more valuable effects, but also the most common household utensils, or articles of cloathing, were matters worthy of acquisition ; so that the extent of their spoils was measured by nothing but what they were able to carry. The voice of the nation rose against those sanctified robbers. The Highlanders were recalled ; and the west was at once stripped of her effects, and liberated from her oppressors.

Exasperated by such manifold oppression, and misled by the furious zeal of their preachers, the people adopted principles incompatible with all government. Although field-conventicles were punished

* Wodrow's hist. v. 1. lib. 2. c. 13. sect. 1. and 2.

nished with still greater severity than house ones; yet, as retirement 1679. into an obscure valley tended more to their concealment than assembling in a suspicious house, field-conventicles daily multiplied; and, besides, being enticed to an attendance on those lawless assemblies, by the satisfaction which those fanatics enjoyed, in so barbarous a stile of devotion, a regard to mutual safety induced them to assemble in such multitudes as might be able to repel the assaults of those parties of the King's forces, which continually ranged the country to harraßs them; and the same principle led them to assemble in arms. Thus were they unwarily engaged in a species of rebellion.

The seditious preachers took every occasion to provoke the people to throw off their allegiance. Every instance of compliance with, every act of submission to the established government, was represented as sinful. The paying of cefs, or any species of subsidy, was deemed illegal and sinful*; nay, was termed '*a consummate and crimson wickedness, the cry whereof reached heaven;*' and, to be guilty of celebrating the birth-day, was nothing less than '*blaspheming against the Spirit of God.*'

Besides inculcating resistance to the established government, they called to their aid the doctrine of assassination†, which they termed '*the execution of righteous judgment by private men;*' a doctrine which afterwards, in the most solemn manner, and in the utmost latitude, they adopted and avowed. The first person, of any note, who fell a sacrifice to their bigotry and resentment, was the Archbishop of St Andrews; yet his murder appears not to have been premeditated. One Carmichael, a decayed merchant of Edinburgh, had been made chamberlain to the primate, and sheriff-depute of Fife. This man had rendered himself extremely obnoxious to the presbyterians, by his rigorous assiduity in harraßsing those who attended conventicles. *Hackston of Rathillet*, a gentleman of Fifeshire, with eight farmers of that county, armed with swords, carabines,

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* Wodrow's hist. v. 2. p. 19. Hind let loose, p. 99. 121. 701. † See *apologetical declaration* published in appendix to Wodrow's hist. v. 2. append. No. 99. and *Hind let loose*, p. 124. 633.

1679. and pistols, went in search of this man, with the purpose of assassinating him. Carmichael, however, being put upon his guard,
 May 3. kept out of their way ; and these holy ruffians were about to separate, when an unlucky boy coming up, told them, ‘ that the Archbishop’s coach was * at Ceres ; that his Grace was then smoaking ‘ a pipe with the parson of the parish ; and, that he would pass by ‘ in his coach in a very short time, in his way to St Andrews.’ These fanatics, in the craziness of their imagination, interpreted this circumstance into an interposition of Providence, pointing out, and giving up their capital enemy to destruction. They exclaimed with gloomy rapture, ‘ *He is delivered into our hands,*’ and instantly resolved upon his death. Agreeably to the boy’s intelligence, they observed the coach passing at some distance ; but, when they perceived that his Grace was not attended with his usual retinue, they were confirmed in the idea of the interposition of Providence, and determined in their resolution not to despise the suggestions of heaven. They immediately gave chase. The Archbishop seeing himself pursued by armed men, ordered the coachman to drive with full speed ; and, as it was gaining ground of the assassins, they discharged their pieces at the coach in which the Bishop and his daughter sat ; neither of them, however, were hurt. But one of the ruffians who happened to be well mounted, getting before the coach, struck the postilion to the ground with his broad-sword, and cut the traces of the coach. Meanwhile, the other ruffians coming up, poured their shot upon the Bishop, tore him from the arms of his daughter, dragging him from the coach, and, piercing him with redoubled wounds, he expired.

From breaches of the law, the fanatical party proceeded to renounce, with much formality, submission to the laws themselves. They chose the anniversary of the restoration as the most proper day
 May 29. for offering this insult to government. About eighty of these people assembled in arms at Rutherglen ; and, after extinguishing † the bone-

* Wodrow’s Hist. v. 2. lib. 3. c. 1. sect. 3. and Appen. No. 10.

† Ibid. v. 2. p. 44.

bonfires which had been lighted for solemnization of the birth-day, 1679. they burned several acts of parliament, and acts of privy council, chiefly those establishing prelacy; not forgetting, however, to express the same mark of their contempt and indignation for the act of *indulgence*, admitting ministers of their own persuasion into vacant churches. Graham of Claverhouse, better known by the title of *Lord Dundee*, afterwards bestowed on him for his heroism and loyalty, was despatched by the privy council to seize on or disperse the party, as well as to dissipate field-conventicles. Upon coming up with the insurgents, who were now increased to a great and disorderly rabble, to whom a field-preacher was haranguing, Graham opened his commission *. He found himself instructed, that, in case he met with resistance, he should fight the enemy, be their number ever so great. He attacked them accordingly; but, the superiority of their numbers being immense, he was repulsed with June 1. considerable loss, himself having had his horse shot under him. Graham retreated to Glasgow; and, expecting an attack from the rebels, he barricaded the streets. Next day he was attacked accordingly; but the assailants were repulsed; yet, on the succeeding day, he abandoned the city, and retired to Edinburgh.

Flushed with success, the number of insurgents daily increased. The privy council displayed great alacrity and judgment in the measures which they pursued for suppressing the rebellion. The militia, in the well-affected counties, were called out, as also the landed † gentlemen, whose attendance on horseback, with as many followers as they could muster, was required. The trained-bands of the city of Edinburgh joined the royal army; and an express was despatched to London for a body of English forces. The passages on the Forth were secured; military stores were seized for the use of government; and great diligence was exerted in supplying and fortifying Edinburgh and Stirling castles. The Duke of Lauderdale

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* Creighton's Memoirs in Swift's works, v 13. p. 239. et seq. † Wodrow, v. 2. lib. 3. c. 2. sect. 4. 5.

1679. co-operated zealously with the Scottish privy council. But, there is ground to suspect, that he was embarrassed by Shaftesbury and others of the ministry, who afterwards embraced a more fitting opportunity for becoming professed traitors. Be that as it may, General Dalzell, commander in chief of the Scottish forces, was superadded, a person, who, whatever otherwise might be his faults, was an officer of approved conduct, fidelity, and courage; and the Duke of Monmouth, who was sent to Scotland with four troops of horse, was invested with the supreme command.

June 22. Upon the 19th of June the Duke joined the army; and, on the 22d, they came up with the rebels, who were about three times their number, and were drawn up on the opposite banks of the Clyde. The general officers were all of opinion, that the army should march directly through the river, which was there fordable, and attack the enemy. But the Duke commanded that the army should pass by Bothwell Bridge, which lay about a mile to the right, was strongly barricaded and guarded by three thousand of the rebels; and, for this purpose*, a troop of dragoons, with eighty musqueteers, and four field-pieces were despatched to beat off the party from the bridge. As the Duke approached, the rebel army beat a parley, and sent a Scots Laird, accompanied by a minister, to express their demands, which were, 'that they should be allowed the free exercise of their religion, and that a new parliament and general assembly, unfettered by any oaths, should be called for settling the affairs both of church and state.' The Duke received them with civility; but told them, that he could listen to no terms till they should lay down their arms; upon which the conference broke up. During the parley the Duke had, unobserved by the rebels, planted four field-pieces opposite to the bridge, which now began to play. Some hundreds of the rebels were killed, and the rest, being ill supplied with ammunition, retreated to the main body of the army. In removing the rubbish, passing the bridge, and forming upon the opposite

* Creighton, Mem. from p. 245. to p. 250.

opposite banks, the royal army were taken up a space of five hours. 1679. The artillery were carried in the center of the foot-guards. At the first discharge, the enemy's horse fell into confusion, instantly a total route ensued*; and about seven hundred were killed in the pursuit. Had Dalzell commanded in that action, the defeat would have been infinitely more bloody; for, besides the native severity of his temper, he was inspired with a most inveterate antipathy at the covenanters. A circumstance, indeed, is reported of these people, which shews they were by no means objects of mercy. It is said, that, in the midst of their camp, there was a large gallows, which had been erected by the rebels in their confidence of victory, and provided with a great quantity of new ropes for *executing judgment* upon their enemies.

The prisoners were brought to Edinburgh. Two of the seditious preachers were hanged. Such of the prisoners as would engage to live peaceably under the government were dismissed. Those who were so obstinate and perverse as to refuse this mark of compliance, to the number of about † two hundred and fifty, were banished, but unfortunately perished by shipwreck in the voyage. As to the rest, an act of indemnity was pronounced, and Lauderdale embraced the opportunity to screen himself, by extending the pardon to all those who had advised any thing contrary to law, or been guilty of malversation in public office.

To remove from the presbyterians future occasions of offence, they were indulged in the liberty of attending house-conventicles ‡, for the purpose of hearing their own ministers; an *indulgence* which will appear more gracious by comparison, when we reflect that, upon extinction of the rebellion 1745, non-juring clergymen, who performed any acts of worship to those of their persuasion, suffered a rigorous

* Upon this occasion the city of Edinburgh gave the Duke of Monmouth the compliment of the freedom of the city in a golden box; Council reg. v. 29. p. 154.

† Wodrow, v. 2. lib. 3. c. 3. sect. 2. 3. Appendix, No. 32. ‡ Ibid. v. 2. Appendix, No. 36.

1679. rigorous prosecution, imprisonment, and banishment*; and that the hearers also were subjected to penalties.

These *indulgences*, however, wrought no effect on that perverse and stubborn generation. Indeed, it does not appear that *indulgence* was what they wanted. To extirpate, or in the enterprise be extirpated, seems to be the object which they had in view. This being their principle, it was immaterial to them whether the government proceeded with lenity or rigour. Accordingly, within a twelvemonth from the extinction of the former rebellion, a declaration was drawn up by Cargill and Cameron, two furious fanatical preachers, and published at Sanquhar by a small body of armed men.

1680. In this declaration, they renounced their allegiance to the King, and solemnly declared war against him as a tyrant and usurper. Cargill shortly afterwards †, before a numerous field-conventicle to whom he was preaching, excommunicated the King, the Duke of York, and chief officers of state, beginning with these words ‡: ‘*I being a minister of Jesus Christ, and having authority and power from him, do, in his name, and by his spirit, excommunicate, cast out of the true church, and deliver up to Satan, Charles the Second,*’ &c. &c.

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* See Book I. chap. 6. prop. fin.
let loose, p. 139.

† Wodrow, v. 2. lib. 3. c. 4. sect. 4.; Hind

‡ When the people get a conceit of botching and reforming religion, there are no bounds to the extravagance of their reveries. At this time, a sect, known by ** the name of *sweet singers*, of whom one Gibb was the founder, soared to a pitch of extravagance, in which they got but few disciples, probably owing to the inconveniency, or rather incompatibility of their doctrines with the customs of life. They gave in a paper to the privy council, of which the following is an abstract: ‘Yesterday, being the twenty-sixth day of the fifth month, it seemed good to the Holy Ghost, and to us, to take out of our bibles the psalms in metre; for the book of Revelation says, ‘If any man shall add unto these things, God shall add unto him the plagues which are written in this book.’ And we did burn them in our prison-house, and sweep away the ashes. Likewise, in the holy scriptures, we renounce chapters, and verses, and contents, because it is only done by human wisdom, and the changing of the books, after the Holy Ghost had placed them. We being pressed to this by the Holy Ghost, do renounce the *impression and translation* of both the old and new testament, and that for additions put to them by men, and other causes. Likewise, we renounce the catechisms, larger and shorter,

and

** Wodrow’s hist. v. 2. p. 221. and appendix to ditto, No. 73.

A party of cavalry were sent out to apprehend the authors of the treasonable declaration, who still continued in arms, and whose numbers were now increased to a hundred and fifty. The regular forces, who were about half their number, came up with them at a place called *Air's-moss*, in the neighbourhood of Air. *Hackston of Rathillet*, who commanded the rebels, drew up his party on the edge of a morass, thereby providing for a safe retreat, as the King's forces *, being cavalry, would be embogued in the pursuit. The rebels were defeated with considerable slaughter. Cameron, the seditious preacher, was killed. Hackston of Rathillet, and thirteen others, were taken prisoners. The King's party lost only three men, and had ten wounded. The prisoners were immediately brought to Edinburgh. Hackston was tried before the court of justiciary for being out in the rebellion at Bothwell-bridge, and in the late engagement with the King's forces, for being concerned in the declaration at Sanquhar, and for the murder of the Archbishop of St Andrews. He expressly declined the King's authority, and that of the court † of justiciary; was found guilty, condemned, and executed on that same day, and his quarters put up in the chief cities of the kingdom. Some others of the prisoners were tried and convicted. These were offered their lives if they would say, '*God save the King.*' But (to use their own words) 'they chose rather to endure all torture, and embrace death in its most terrible aspect, than to give the tyrant and his accomplices any acknowledgment.'

X

If,

'and Confession of Faith, against which we have many causes. We renounce the acts of assembly, and all the covenants, and acknowledging of sins, and engagement to duties, and that which they call *preaching-books*. We renounce and decline all that are in authority throughout the world, and all their acts and edicts, from the tyrant *Charles Stuart*, to the lowest tyrant. We renounce the names of months, as *January, February, March, &c.* and of days, as *Sunday, Monday, &c. Martinmas, Whitsunday, Newyearsday, &c.* We renounce all the customs and fashions of this generation, their ways of *eating, drinking, sleeping, &c. &c. &c.*

* Creighton's mem. from p. 261. to p. 268.

† Wodrow. v. 2. p. 142.; Hind let loose, p. 197.

1681. If, on the one hand, the vulgar were inspired with the most ungovernable fanaticism and frenzy, the nobility and parliament, on the other, made a total surrender of their liberties to the crown. An act was passed, declaring the divine indefeasible hereditary right of Kings. By another, all persons in office, ecclesiastical, civil, or military, were * obliged to take a *test*, acknowledging the King's supremacy, professing the protestant religion, as contained in the Confession of Faith, and binding themselves up from ever making any change or alteration therein; renouncing the covenant, and professing the doctrine of passive obedience. An exemption was made as to taking the test in favour of the royal family. This, however, was opposed by the Earl of Argyle, who argued, that the chief danger which could arise to the protestant religion, behoved to be from the erroneous principles of the royal family. This drew on him the indignation of the Duke of York, and speedily accomplished his ruin.

The *test*, at the same time that it ratified the Confession of Faith, established doctrines directly repugnant; so that the whole was a mass of absurdity and contradiction. Many that were zealously attached to the crown, refused to take it without an explanation. Accordingly, when Argyle took it, he added an explanation, importing that he took it in so far as it was consistent with itself and the protestant religion; and further, that he did not bind himself † up from making any alteration in church or state that was consistent with his religion and loyalty. Upon this innocent explanation, a charge was founded against Argyle of high treason, *leasing-making* ‡, and perjury. A jury of his own rank was found infamous enough to convict, and a court to condemn him. The King suspended execution of the sentence; Argyle escaped; but, afterwards, upon his subsequent rebellion, suffered upon the same iniquitous judgment.

Courts.

* Charles II. parl. 3. c. 2. and 6. † Wodrow, v. 2. lib. 3. c. 5. sect. 7.

‡ *Leasing making* was a crime, the creature of an act of parliament. It consisted in misrepresenting the actions of the King to any of his subjects, or *vice versa*, those of his subjects to the King. It inferred a capital punishment.

Courts of judicature were erected in the southern and western shires, for trying such as had been guilty of harbouring or holding intercourse * with rebels or outlaws. Any person who would take the test, got an indemnity of his former offences: But the refractory were persecuted with much severity. 1683.

These oppressions, co-operating with their fanatical and furious dispositions, led them to profess principles and resolutions which would seem to entitle any regular government to extirpate the maintainers of such pernicious doctrines †. A numerous society of these people were in use to meet regularly, and keep minutes of their proceedings. They published a declaration ‡, in which they disavowed the authority of *Charles Stuart*, (so they called the King), declared war against him, and plainly spoke out their resolution to murder the Lords of Justiciary, all officers and soldiers in the army or militia, all possessed of any office civil or military, all Bishops and Curates, all who should seize or apprehend them, and, finally, all who should inform or give testimony against them in any court of justice. If any of these persons (says the declaration) ‘ should stretch forth their hands against us, to the shedding of our blood, while we are maintaining the cause and interest of Christ against his enemies, *in the defence of our covenanted reformation.*’ 1684.

Nov. 3.

This threatening manifesto excited the deeper alarm, as two soldiers of the life-guards, who had been active in discovering conventicles, were murdered within a few nights after its publication. Indictments of high treason were filed against those who were concerned in issuing this declaration; and such as, upon being interrogated, owned or refused to disown the principles it contained, were deemed guilty of the same crime, and suffered accordingly. An oath, abjuring this declaration of war, and those principles of assassination, was accordingly

X 2

ordained

* Wodrow, v. 2. lib. 3. c. 7. sect. 4.

† Ibid. c. 8. sect. 7. appendix, 99.

‡ This paper was entitled, ‘ *The apologetical declaration and admonitory vindication of the true presbyterians of the church of Scotland, especially anent, (i. e. concerning), intelligencers and informers.*’ It bore this motto, ‘ *Let King Jesus reign, and all his enemies be scattered.*’

1685. ordained to be put to all persons above sixteen years of age, either male or female, and such as refused it were liable to be tried and punished capitally. A method still more decisive was taken in the parish where the soldiers of the life-guards were murdered, and the parishes adjacent. A body of forces was despatched to Livingstone, who were authorized to call before them the inhabitants of that and the five adjacent parishes, and interrogate them upon the late declaration. Those who owned it, or justified its principles, were instantly to be executed by martial law; they, again, who refused to answer, were immediately to be brought before a jury of fifteen men, and the sentence pronounced against them, was to be followed by immediate execution.

Persons in the meanest rank were impowered to put the oath abjuring the declaration. They executed the commission with much assiduity. But the dreadful penalties appointed for recusants in the proclamation, ceased to be, or at least were very * seldom applied. Officers in the army †, nay, common soldiers, were ordered to go thro' Edinburgh, particularly through the Calton, a quarter of the city where none but tradesmen of the meanest occupations resided, and put the oath of abjuration. Old women were taken from their wheels, journeymen and apprentices from the forge, and teased with their captious questions. If these poor people took the oath of abjuration, other stumbling blocks were thrown in their way. It would have been asked at them, '*If the rising at Bothwell-bridge was rebellion; if the killing the Archbishop of St Andrew's was murder?*' and such like. But, after the violent alarm, excited by the apologetical declaration, was over, those who refused the oath, or declined to answer those questions, were generally subjected to nothing

* The case of the three women, who were drowned within sea-mark, mentioned by Hume, v. 8. p. 170. seems hardly to be imputable to government. They had been condemned by inferior judges, were reprieved, *sine die*, by the court of justiciary, and recommended to mercy by the privy council. It appears, that, by the brutality of the commanding officer in that distant part of the country, they were executed without orders. Wodrow, v. 2. p. 507.

† Records of privy council, No 5. p. 36.; Hind let loose, p. 195.

thing but imprisonment; and, at the death of the King, the severities of the government were, for a time, much abated. 1685.

Not to interrupt our detail, we hitherto mentioned but slightly the rapacity of Charles's ministers. The great sum which was levied in fines imposed, upon pretexts frivolous or false, in the course of one session of parliament, has already been taken notice of. It was even suspected, that the rigours of administration were heightened, on purpose to provoke the covenanters to rebellion, that the ministry might be enriched with the forfeitures. Those landed-gentlemen, who failed to obey the proclamation for joining the King's forces at Bothwell-bridge, were subjected to rigorous fines. The penalties imposed, upon attending conventicles, or hearing unlicensed chaplains, were strictly levied, and in such enormous sums, that there is an instance of a gentleman, on account of his having kept an unlicensed chaplain, and of his lady having heard an expelled preacher, being fined upwards of three thousand five hundred pounds Sterling. The circumstances of the case* were, at the same time, very favourable; for, the parties who were not condemned upon evidence, but upon their own acknowledgment, qualified their confession, by declaring that it was not from disloyalty that they kept the chaplain, but because the lady was so valetudinary that she could not attend the church.

Lauderdale's extortions had extended to a pitch of infamy, that equally deprived him of inclination and capability to conceal them. The convention of royal boroughs paid him an annual pension for his countenance and protection. He fell upon a notable expedient for squeezing money from the city of Edinburgh. He obtained from the King a grant of the village called the *Citadel* of Leith, erecting it into a free borough of barony and regality, with many privileges and immunities, dignified with the pompous name of *Charlestown*. Lauderdale's drift in obtaining this grant was, that the magistrates of Edinburgh should

* Records of privy council, No 5. p. 44. 3; Wodrow, v. 2. p. 49.

1685. should purchase it from him at an extravagant * price, as it somewhat interfered with the interests of that city. They treated with him accordingly about the purchase. They durst not incur his displeasure, by falling short of his demands; but paid him for this feather, the exorbitant price of L. 6000 Sterling. Through the interest of Lauderdale, the corporation of Edinburgh obtained a grant of certain duties upon all wine and beer consumed within the city, to discharge its debts: For this he was gratified with L. 11000 Sterling. When ministers are rapacious and mercenary, it is not to be expected that their inferiors will be disinterested. Accordingly, we find the city-clerk of Edinburgh, who went to London to manage this job with Lauderdale, and others in the same office, who went at different times, on similar expeditions, imitating the rapacity of their superiors, to the destruction of the city's revenue.

* * * * *

In the period we have described, the finer feelings of the soul, the delicate traces of manners, are lost amidst the fury of civil contention. Nothing is to be discovered but the violence of party-spirit drowning the cries of humanity, overflowing the bounds of justice, and habituating the mind to an utter contempt of morals; to a sacrifice of every law, human or divine, to gratify the selfishness of individuals, or accomplish the purposes of faction. This aera, indeed, affords an exemplary instance, that nothing so deeply perverts the judgment, and corrupts the heart, as the fury of civil contention, when excited by religious bigotry.

On the one hand, we behold the crown betrayed into tyrannical measures, by the fanatical and seditious principles of the people. On the other, we see the people actuated by no love for civil liberty; but contending, with the fury of tygers, for particular doctrines, or even forms of religion. From circumstances such as these, the adversaries

* Maitland's hist. p. 98. 99. 101.

versaries of our faith have boasted, with invidious triumph, that 1685. in the wide range of antiquity, no religion but the Jewish, the foundation of our system, breathes a persecuting and intolerant spirit; whereas the Christian sects have been disgraced by a swelling catalogue, of crusades, massacres, proscriptions, and assassinations.

The most distinguishing feature of the presbyterians, was a gloomy and morose contempt of the social pleasures, and a rigid exercise of (what they termed) *the duties of religion*. The preachers, instead of recommending to their followers to keep their appetites and passions in due subjection, taught them, that, to delight in sensual enjoyments, was sinful, and to mortify them highly meritorious. They went further; they conceived the deepest guilt, or the highest exertion of piety and virtue, to consist in matters to the last degree trifling or absurd. The divines gave scope to their imagination, in describing those ideal instances of godliness or iniquity. The second, and the fourth commandments, were the favourite topics of their declamation. They could perceive idolatry in the disposition of a lady's head-dress*, or the adjusting of her cloaths; and multiply, to an inconceivable extent, the variety of transgressions of the † decalogue. The strict observance of the *Sabbath*, they inculcated in its most gloomy austerity. To go on that day to the threshold, or to walk through one's own house, if with a view to any worldly purpose, or even idly, was held a deeper crime than deliberate murder.

Upon the restoration, a different, and even opposite manner of living (at least with the royalists) took place. Hospitality was revived and indulged to excess. Horse-races, cock-fighting, and ‡ other amusements, were cultivated. The nobility and gentry gratified their vanity in the splendour of their retinues. It became a matter

* Durham on the ten commandments, p. 251. 272. 274. 275.

† Durham, in treating of the second commandment, disposes the modes of sinning against it, and the arguments to prove these modes to be sins, into numerical divisions and subdivisions, to the extent of 700, and upwards.

‡ Mercurius Caledonius, p. 18. 73.

1685. matter of policy with the government to encourage any circumstance which could mark the distinction of ranks; to this effect, coronets, which had not hitherto been uniformly borne by the nobility, nor distinguished by marks, pointing out the different orders to * which they belong, were appointed by the King to adorn their armorial bearings. An expedient much more effectual was devised for making out and perpetuating the distinction of ranks, for supporting nobility of birth, upon the solid basis of indissoluble opulence of possession. The proprietors of lands were allowed to devise their estates by deed † of *entail*, to any series of heirs, and to endless generations; to such effect, that they could neither be sold nor burdened by the proprietor for the time being, nor attached by his creditors; nor the will of the *entailer* be disappointed by any device whatever. Public solemnities, especially funerals, were celebrated with an extravagance of pomp, which, at once ‡, displayed the vanity of the conductor, and reduced him to poverty. It was found necessary to restrain, by a sumptuary law, this absurd extravagance ||.

A TABLE

* Records of privy council, No 1. p. 481. † James VII. parl. 1. sess. 1. c. 22.

‡ See the funeral of Archbishop Sharp, appendix, No IV. and of the Duke of Rothes, appendix, No V. Charles II. parl. 3. c. 14. 1681.

|| In this period, the royal college of physicians was erected by patent. Before that, the city was over-run with quacks and mountebanks. There is a lively instance of the deplorable state of the science of medicine in the records of the privy council. One *Joannes Michael Philo physician*, sets forth to the privy council, that his Majesty had allowed him to *practise his profession* in England, and for that purpose *to erect public stages*; and he intreats the same liberty in this kingdom. The council, accordingly, allow him to erect a stage in the city of Edinburgh; but they also appoint the petition to be intimated to, and answered by, the *Master of Revells*, against the next meeting of the council; and, in the mean time, discharge the *physician to practise rope-dancing*. Records of privy council, No 2. p. 609. 27th June 1763.

A TABLE of the PRICES of PROVISIONS from A. D. 1600,
to A. D. 1685.

			Sterling.	L.	sh.	d.
1629.	May 31.	A pair of chickens		0	0	4
		A dozen of fowls		0	4	0
	June 4.	A dozen of eggs		0	0	1½
	15.	Two Salmon		0	0	8
	19.	A falmon		0	0	10
October	11.	A fide of beef		0	5	6½
		Two carcases of mutton		0	5	0
		A pound of candles *		0	0	5
	25.	A boll of falt		0	13	4
	28.	A pound of butter		0	0	5
1630.	January 10.	Three dozen of onions		0	1	0
	17.	A peck of falt		0	1	1½
1650.	May 10.	A lamb †		0	1	6
		A falmon		0	1	2
		Plumbdames, (i. e. prunes) per pound		0	0	4
	11.	A lamb		0	1	9
	12.	A choppin of vinegar		0	0	6
	14.	A choppin of milk		0	0	1
	17.	A carcase of mutton		0	5	0
	June 20.	A falmon grilce		0	0	4
		A dozen of eggs		0	0	2
	21.	A fide of veal		0	2	6
	July 3.	A dozen of whittings		0	0	2
1653.	January 6.	A pound of candles		0	0	6½
		A fowl		0	0	5
		Y				A dozen

* Diet book of King's College Aberdeen, beginning May 1629, in the archives of King's College.
† Ditto, beginning 10th May 1650.

		L.	sh.	d.
	January 8. A dozen of eggs	0	0	3
1653.	12. A fowl	0	0	6
	A dozen of haddocks	0	0	4 $\frac{1}{2}$
	A carcase of beef	1	5	10
	22. <i>Two dozen of parsnips</i>	0	0	6
	February 5. A dozen of haddocks	0	0	6
	15. A salmon	0	1	0
	18. A dozen of fowls	0	7	0
	March 9. A peck of salt	0	0	10
	May 6. Half a pound of hopps	0	0	5
	30. <i>Plumbdames per pound</i>	0	0	5
	June 3. A peck of salt	0	0	6
	10. A lamb	0	2	6
	July 1. A pound of butter	0	0	4 $\frac{1}{2}$
	A choppin of milk	0	0	1
	The highest prices of wines <i>per</i> retail, over all Britain and Ireland *, viz,			
	Canary and Muscadell wines <i>per</i> English			
	quart	0	1	6
1656.	Rhenish ditto <i>per</i> ditto	0	1	0
	Gascony and other French wines <i>per</i> ditto	0	0	7
1660.	A pair of † pigeons	0	0	2
1661.	May 29. For a bonfire at the College-gate	0	13	4
	A mason's wages <i>per</i> day	0	1	4 $\frac{1}{2}$
	To ditto <i>for his morning's drink and four-hours</i>	0	0	4
	A barrowman's wages	0	0	6 $\frac{1}{2}$
	<i>Morning's drink and four-hours</i> for ditto	0	0	4
	Allowance for the principal's and professors diet, at the College table <i>per</i>			
	quarter each	1	16	8
	For their servants <i>per</i> ditto each	1	0	0

For

* Declarations, ordinances, and proclamations of Oliver Cromwell, 17th September, 1656.

+ Authenticated accounts of receipts and discharges, by John Drenan, factor for the New College St Andrews, A. D. 1658. et seq. in the archives of that college.

		L.	sh.	d.
1661.	For the beadles <i>per ditto</i> each	1	0	0
	A professor allowed for his charges at Edinburgh <i>per day</i>	0	3	4
	A horse hire from St Andrews to Queens- ferry	0	5	10
	An imprisoned robber's * allowance <i>per</i> day, payable by the exchequer	0	0	4
	Postage of a † single letter to Glasgow	0	0	2
	of all beyond Glasgow	0	0	3
	of a letter to Ireland	0	0	6
	Wine glasses <i>per dozen</i> ‡, made at the Citydel, Leith	0	3	6
	Mutchkin (or English pint) bottles made at ditto <i>per ditto</i>	0	2	6
	Choppen bottles <i>per dozen</i>	0	4	6
	Scots pint bottles <i>per dozen</i>	0	9	0
	Scots quart ditto, <i>per ditto</i> ,	0	18	0
1666.	When rough bear is at 10 s. <i>per boll</i> Linlithgow measure, then ale shall be fold <i>per Scots pint</i> at	0	0	1
	With the addition of one-sixth of a penny as <i>excise</i> in country-parishes, and one-sixth more in the city of E- dinburgh			
	When bear is at 13 s. 4 d. the pint of ale shall be	0	0	1½
	When at 16 s. 8 d. the pint of ale shall be	0	0	2
1667.	Scottish cavalry furnished § with a stone of hay, or 18 pounds ** of straw for	0	0	5
	Y 2			

February

* Records of privy council, No. 1. p. 12. 9th July 1661.

† Ibid p. 186. 16th

Sept. 1662.

‡ Kingdom's intelligencer, 14th Jan. 1664, p. 1025.

|| Records of

privy council, No. 1. p. 534. Jan. 18th 1666.

§ Ibid No. 2. p. 19. 19th Dec. 1667.

** There was no sown grafs in Scotland till the beginning of the present century, The hay here spoke of was a miserable species of herbage which grew spontaneously in wet lands.

		L.	sh.	d.
1667.	February 20. Postage of a single * letter from London	0	0	4
	Straw <i>per</i> stone †, 2 d. hay	0	0	2½
1678.	September 2. A pair of partridges †	0	0	8
	3. A hare	0	0	4½
	4. A pair of pigeons	0	0	2
	6. A pair of chickens	0	0	4
	11. A pair of ducks	0	1	0
	A dozen of flounders	0	0	4
	28. A carcase of veal	0	6	8
	October 3. <i>Eight dozen of onions</i>	0	0	10½
	November 8. Whittings <i>per</i> dozen	0	0	4
1679.	March 10. A turkey	0	3	4
	11. Oysters <i>per</i> 100	0	0	10
	A pair of moorfowl	0	2	0
	Apples <i>per</i> dozen	0	0	5½
	12. A pound of anchovies	0	8	1½
	13. A dozen of lobsters	0	3	0
	A lamb	0	9	2
	A capon	0	0	9
	May 21. A sole	0	0	6
	July 7. A young turkey	0	1	5
	22. For six follen geese and their carriage, (that were got when the Duke of Monmouth came)	0	15	6
	August 21. Lemons <i>per</i> dozen	0	2	0
	Oranges <i>per</i> ditto	0	2	0
	A barrel of Cucumbers	0	6	0
	22. For confections (<i>that were got when the Duke of Monmouth was here</i>)	3	7	2½
	November			

* Records of privy council, No. 2. p. 39. Feb. 20 1668. † Ibid No. 3. p. 506. 1677.

‡ Household-book of the Earl of Hadington, beginning 31st August 1678, in possession of the Earl of Selkirk.

		L.	sh.	d.
1679.	November 8. A pound of mace	0	13	4
	Ditto of nutmegs	0	6	0
	Two puncheons of claret wine, excise and all	13	0	0
	For a puncheon of claret (<i>when Lord Binning was christened</i>)	5	0	0
1682.	December 6. A carcase of mutton *	0	2	6
	A pound of butter	0	0	4 $\frac{1}{2}$
	8. A dozen of eggs	0	0	2
	A pair of hens	0	0	11
	12. A pair ditto	0	1	0
	15. Carcase of an ox	1	3	4
	25. A salted ox	1	10	0
	A goose	0	1	5
	December 27. A pair of hens	0	0	8 $\frac{1}{2}$
1683.	January 1. A carcase of beef	2	1	8
	February 22. A hog	0	10	8
	March 6. A pig	0	0	8
	9. A capon	0	0	8
	10. Pidgeons <i>per</i> dozen	0	0	10
	19. A carcase of beef	2	8	4
	May 11. A pair of hens	0	0	10
	19. A lamb	0	1	8
	22. A pair of chickens	0	0	3
	30. A carcase of beef †	3	6	8

DINNER

* Diet book of St Salvadore's college, in the archives of the united colleges, St Andrews, beginning A. D. 1682. † It is remarkable, that, in a whole term, which then lasted about nine months, fish are not mentioned above four times; and, when they are mentioned, the terms are so general, that their prices cannot be ascertained. No mention at all is made of garden-stuff. For the prices of grain during this period, see in appendix No. VII. a table of the prices of grain from A. D. 1645, to A. D. 1777, *inclusive*.

*DINNER at KING'S COLLEGE Table, Aberdeen, 31st May 1650.

Sitters at the first table 14, therefore, of wheat-bread 7 loaves, ale, 7 pints, (Scots measure). Sitters at the second table 8, therefore, of oat-bread, 4 loaves, ale, 4 pints. Pantrie men 3, therefore, a loaf and a half, and of ale, 1 pint, 1 choppin. Burfars, 22, to them and to the Principal's man, 11 loaves and a half. One salmon and a cut, haddocks, 4 dozen and a half, *plumbdames*, (i. e. prunes,) 4 lib. 3 legs of lamb, and two fowls in a dish of broth.

S U P P E R.

Sitters at the first table 16, therefore, of oat bread, 8 loaves, and of ale, 8 pints. Sitters at the second table 7, to them 3 loaves and a half, and of ale, 3 pints and a choppin. Pantrie men 3, to them 2 loaves and a half, *one and a half to eat, and one to the milk*. Servants 4, to them 2 loaves and a half. Burfars 20, therefore, 10 loaves. *Plumbdames*, 4 lib. haddocks, 4 dozen, salmon, 3 cutts, 4 eggs, lamb, 5 quarters, and a quart of milk, with 4 loaves of wheat-bread.

DINNER, June 2.

Sitters at the first table 12, at the second table 6, pantrie men 3, burfars 21, servants 4. (to all these, bread and ale as in the preceding), beef, 6 *tailzies*, (cuts or pieces), viz. 3 to the high table, 1 to the second table, and 2 for skink. *Plumbdames*, 4 lib. lamb, 3 legs, haddocks, 4 dozen.

S U P P E R.

Sitters at the first table 15, at the second 6, pantrie men 3, burfars 21, servants 4; having bread and ale conform. Lamb, 4 legs, *plumbdames*,

* Diet-book of King's College table, Aberdeen *ut sup*.

plumbdames, 4 lib. eggs, 5 dozen, milk, a quart, with 4 loaves of wheat-bread.

SUPPER in the Right Honourable the EARL of HADINGTON's House of Tynningham, Friday, 2d of May 1679.

Present, the family *, the Dutchess of Hamilton, Sir Donald Carmichael, the Laird of Humbie, and others.

Two pieces of fresh beef, one piece of veal, a piece of roasted pork, mutton baked, and done in collops, six pieces; five fowls boiled, five ditto roasted, sixteen chickens, sixteen pidgeons, two sides of lamb, a tart, seven wild fowl, ten chickens stewed; of ale, eight gallons †, sixty-eight rolls, seventy-two loaves.

DINNER on Monday the 7th of July.

Present, the Duke of Monmouth, three Marquisses, thirteen Earls, and many Gentlemen.

Of fresh beef, six pieces, mutton, nineteen pieces, pork, four pieces, veal, five pieces, eight tongues, and six udders, eight marrow-bones, nine geese, three sides of lamb, two collared pigs, fourteen roast hares, three stewed hares, thirty-four roasted chickens, sixteen baked ditto, thirteen stewed ditto, eight fricasseed ditto, twenty-eight ditto for pottages, twelve roast fowls, nine ditto in pottage, three hams, thirteen roast ducks, six stewed ducks, seven moor-fowls, fifty pouts ‡, six lobsters, two salmon, one * * * four soles, three haunches of venison, three old turkies, ten young turkies, two dozen of crabs, two dozen of flounders, two grand salads, two * * * twenty gallons of ale, two hundred rolls, one hundred and sixty loaves.

DINNER

* Household-book of the Earl of Hadington, beginning 31st August 1678, and ending 8th November 1679, in possession of the Right Honourable the Earl of Selkirk.

† A Scots gallon contains sixteen English quarts; so there had been used of ale, ten dozen and eight English quarts. ‡ Young moor-fowl.

1679.

DINNER on Thursday the 21st of August.

[My Lord's Son was Baptized.]

Of fresh beef, six pieces, mutton, sixteen pieces, veal, four pieces, three legs of venison, six geese, four pigs, two old turkeys, eight young turkeys, four salmon, twelve tongues and udders, fourteen ducks, six roasted fowls, nine boiled fowls, thirty chickens roasted, twelve ditto stewed, eight fricasseed, ten in pottage, two sides of lamb, twenty-two wild fowl, pigeons baked, roasted, and stewed, one hundred eighty and two, roasted hares ten, fricasseed six, three hams.

S U P P E R.

Roasted mutton, two pieces, two ditto in collops, twenty-six roasted pigeons, six hares, sixteen gallons * of ale, an hundred rolls, a hundred and twenty-four loaves.

C H A P.

* During the fifteen months that this household-book comprehends, we have discovered three tierces and five puncheons of claret to have been purchased; one puncheon of white-wine, a quantity of brandy, and some other liquors, in very small quantities. How much wine was used occasionally, is not mentioned, only that, on certain days specified, a puncheon of wine was pierced. A puncheon of wine was the same with our present hog-head. A tierce contained three-fourths of a puncheon.

CHAPTER V.

JAMES VII. mounts the Throne—Servility of the People and Parliament—Severities of Government—Tumults in Edinburgh upon the Landing of the Prince of Orange—Convention of Estates settles the Crown on William and Mary—The Presbyterian Religion is substituted in Room of Episcopacy—Rigours of the new Government—African Company—Accession of Queen Anne—Trial of Green the Pirate—The Union—Discontent of the People—Rebellion 1715—Manners—Table of the Prices of Provisions from 1685 to 1715—Specimens of the Table of the Dutcheſs of Buccleugh and Monmouth.

JAMES VII. during his residence in Edinburgh, when Duke of 1685. York, had courted popularity not altogether unsuccessfully. The town-council, on his entry, received* him with great pomp, and entertained him at an expence which testified their loyalty more than their oeconomy †. The college of justice, in their robes, paid their compliments to him upon that occasion. The council offered King Charles a supply of seven months cefs, to assist him in supporting the Duke's succession. Upon James's mounting the throne, they presented a loyal address, and were so delighted with the ‡ affectionate letter which his Majesty sent them in return, as to order a box of curious workmanship to be made for it at a considerable expence. The council, to continue themselves in favour at court, upon this,

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* Council register, 1680, p. 175. and 224.; Fountainhall's decisions, v. i. p. 114.

† The Duke and Dutcheſs of York, the Lady Ann, afterwards Queen of Great Britain, and the whole court of Scotland, were present at this entertainment. It was given in the parliament-house; but, to accommodate the company, it was found necessary to pull down the partition which divided, and where a new wall still divides, the outer parliament house from the place where the booksellers stalls are kept. The expence of the entertainment exceeded L. 1400 Sterling.

‡ Council register, 1685, p. 152.

1685. as upon former occasions, made a handsome * present, or bribe, to the secretary of state.

Soon after James's accession, a parliament was held at Edinburgh. They seemed to glory in the solemnity with which they made a surrender of their liberties into the hands of their Sovereign. They made an act, in which they adopted a pompous and fabulous narrative, of the nation's having, for a period of two thousand years, been ruled with felicity and glory, by the lineal sceptre of a hundred and eleven Monarchs. Then they proceeded to acknowledge the 'Kings' † sacred, supreme, absolute power and authority, which none, whether persons or collective bodies, could 'participate of, but in dependence on, and by commission from 'him.' And to enable him to support these positions, they declared, that the whole nation, from sixty to sixteen, should be in readiness to assist his Majesty where, and as oft as he should please to require them. At the same time, the whole excise, both on inland and foreign commodities, was annexed to the crown for ever. By other statutes, to embrace the covenant, to write in its defence, or acknowledge it to be obligatory, were declared to infer the crime of treason. And, on the other hand, every person was commanded to take the *test*, under a pecuniary ‡ penalty, at the discretion of the privy council.

The courtly complaisance of the parliament did not, however, free the people from being suspected of disaffection. The violences in the late reign, which had been so disagreeable to them, were now avowedly exercised with the utmost severity and imprudence. The ministry were naturally jealous of those to whom they had given such cause of offence. Accordingly, upon the invasion threatened by Argyle, the Magistrates renewed, under high penalties, an edict they had published

* The present to my Lord Melfort secretary, was L. 800; Council reg. 1685, p. 174. and 176. † James VII. parl. 1. c. 2. 5. 13. ‡ Mr Hume is mistaken in

saying, that to refuse the *test*, if ordered by the privy council, was declared to be treason. See Hume's hist. v. 8. p. 230.

lished by orders of the privy council, a few days before the late 1685. King's decease, whereby masters of families were obliged to give up to them, upon oath, lists of all persons * in their families, and of strangers lodging with them; 'because many disloyal people ' were refet,' (i. e. harboured among them.) The report of the invasion was supposed to be a pretence trumped up by government, for raising men and money to promote their oppressive measures. When certain accounts of the invasion were received, it was determined, that the college of justice should be regimented and armed in defence of government. But Argyle's being brought prisoner to Edinburgh, where he was soon after beheaded, rendered that measure † unnecessary.

The public attendance upon mafs, by the chief officers of state, 1686. about this time, excited a tumult in Edinburgh. A rabble of apprentices and others, insulted the Chancellor's lady, and other persons of distinction, when returning from their chapel. The affront was resentèd with great severity. A journeyman baker being ordered by the privy council to be whipped through the Canongate for being concerned in the riot, the mob rose, rescued him from punishment, beat the executioner, and continued all night in an uproar. The King's foot guards, and soldiers from the castle, were brought to assist the town-guard, in quelling this disturbance. They fired among the mob, and killed two men, and a woman. Next day, severals were scourged; but the privy council were so afraid of the populace, that they appointed a double file ‡ of musqueteers and pikemen, to prevent the sufferers from being rescued. An information was, at the same time, lodged against a drummer, by two papists, for saying, 'he could || find in his heart to run his sword ' through *them*;' and, although he declared that he meant the

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rabble,

* Fountainhall, v. 1. p. 331. and 362. † Hume's hist. v. 8. p. 231.

‡ By an act of King James VII. 1st parl. sess. 2. c. 12. judicious regulations were established for cleaning the streets, and freeing them from beggars, to which it were to be wished a more uniform attention had been paid. || Fountainhall, v. 2. p. 399. 401.

1686. rabble, not the papists, he was condemned and shot to death. And a fencing master, for approving of the late tumult, and drinking confusion to the papists, although, at the same time, he drunk the King's health, was hanged at the cross.

Notwithstanding those severities, and the discontent they behoved to produce *, the Magistrates, upon an act being passed, restoring the summer-session, sent his Majesty a letter of thanks for that favour, in which they † assured him, ' of their most hearty devotion ' to his service, being ready, with their lives and fortunes, to stand ' by his sacred person upon all occasions, and praying the continuance of *his princely goodness and care* towards this his city.' The King also restored to them the impost upon ale, which, although ‡ it continued to be levied from the inhabitants, had, it seems, been 1688. seized by the treasury, and added 12 years to the former grant of that duty. And the guard of 108 men, which the town were obliged to support, was reduced to fifty.

The press groaned under that restriction which was imposed on every species of liberty. No books were allowed to be printed without consent of the Chancellor. To insert articles in the news papers, without licence from the Bishop of Edinburgh, or some member of the privy council, had || already been prohibited; and various persons were imprisoned for publishing, or selling, books reflecting on popery, while those in its favour were published with impunity. Nay, so great was the partiality in behalf of this religion, that a popish printer's press and effects, which were seized for his house-rent, were violently rescued from the landlord, and the printer protected in the abbey. And such was the zeal for conversion, that a popish college in the abbey printed their rules §, *and invited all children to be educated there gratis.*

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* James VII. parl. 1686, act 5th. † Council reg. 1686, p. 316. ‡ Maitland's history of Edinburgh, p. 108. || Fountainhall, v. 1. p. 73. § Ibid. v. 1. p. 403. 482. 502.; Declaration of estates.

The effects of these, and similar violences, by which the constitution was totally annihilated, were conspicuous in Edinburgh, as in other parts of the kingdom. No sooner was it known that the Prince of Orange had landed, and that the regular troops were withdrawn to reinforce the English army, than the presbyterians, and other friends to the revolution, flocked to Edinburgh from all quarters. Great severities were exercised upon papists, episcopals, and friends to the unhappy and exiled royal family, of whatever denomination. The Earl of Perth, Chancellor, fled from Edinburgh; and the government fell entirely into the hands of revolutioners. A mob rose, drums were beat through the city, the inhabitants assembled in great multitudes. They proceeded to demolish the chapel of Holyroodhouse; but were opposed by a party of about a hundred men stationed in the abbey *, and who adhered to the interests of James. The mob pressing forward, were fired upon by this party; about a dozen were killed, and thrice as many wounded, upon which they fled for the present; but quickly returned with a warrant from some Lords of the privy council. They were headed by the magistrates, town-guard, trained bands, and heralds at arms, who required Wallace, the captain of the party, to surrender; and, upon his refusal, another skirmish ensued, in which Wallace's party were defeated, some being killed, and the rest made prisoners. Then there was nothing to resist their fury. The abbey-church, and private chapel, were robbed, and despoiled of their ornaments, the college of the Jesuits almost pulled in pieces, and the houses of the Roman catholicks plundered. The Earl of Perth's cellars became a notable prey to them; and wine, conspiring with zeal, inflamed their fury.

None were more forward than the council of Edinburgh in offering their services to the Prince of Orange; and those men who so lately declared to King James, 'That they would stand by his sacred person upon all occasions, and who prayed the continuance of his
' princely

* Scott's hist. of Scotland, p. 702.; Balcanquhall's memoirs, p. 38. et seq.

1688. ' princely goodness and care,' were now * the first in ' offering their
 ' services to the Prince of Orange, in complaining of the hellish at-
 ' tempts of Romish incendiaries, and of the just grievances to all
 ' men, relating to conscience, liberty, and property.'

After the Chancellor's flight, the Marquis of Athole, the next officer of state, who declared violently in favours of the Prince of Orange, assumed to himself the reins of government; but, upon his
 1689. going for London, the college of justice regimented and armed † themselves, and kept tranquillity in Edinburgh, till an order for disbanding them was obtained at the Duke of Hamilton's instigation.

March 14. A convention of estates was held at Edinburgh, which declared ‡, that King James having assumed the regal power, without taking the oath required by law, and altered the constitution of the kingdom by an exertion of arbitrary power, forfeited his right to the crown, which they settled on William and Mary; and presented a list of grievances to be redressed. They also, because || the former elections had been subject to undue influence, ordained a new election of the magistrates, and ordinary council of Edinburgh, to be made in St Giles's church, by poll of the burgeses who were liable for public burdens, and for watching § and warding, honorary burgeses being excluded. And they deprived several ministers ** of Edinburgh of their churches, because they declined to pray for the newly appointed Sovereigns. The meeting of estates was converted into a parliament, prelacy was abolished, and the presbyterian form of church-government was established in its place.

These important innovations were not effected without opposition and disturbance. The Duke of Hamilton, and other friends to the revolution, brought in publicly several companies of foot which were quartered in the city, besides multitudes that were hid in garrets and cellars. Edinburgh castle was kept in behalf of James, by the

* Council reg. 1688, p. 277.
 of estates of parliament 1689.

† Balcarras's mem. p. 58.

‡ Scott's hist.; Acts

|| Journals of parliament, April 5. 1689.

§ A spe-

cies of borough service customary in Scotland.

** Ibid. April 26.

the Duke of Gordon, its governour. The Lords Balcarras and 1689. Dundee also supported the interest of the exiled Monarch. The latter of these noblemen, upon information of an attempt to assassinate him, left Edinburgh at the head of fifty horse. In passing by the castle, he clambered up the rock, and held a conference with the Duke of Gordon. The novelty of the sight attracted a multitude of spectators; and it was reported in the city, (where the convention was then sitting), that there was an insurrection of the adherents of Dundee. A general panic ensued. Drums were beat through the city. The troops introduced by the Duke of Hamilton assembled. The members of convention being confined in their hall, were terrified at the noise and uproar. The doors of the convention being afterwards thrown open, most of James's friends * deserted the royal cause, or left a city where they were exposed to such alarms and dangers. And the castle, which had been besieged, being poorly June 13. supplied with provisions, quickly surrendered.

The new-modelled government entertained such a jealousy of the college of justice, as to disarm all its members; commanding them, under the highest penalties, to deliver up their whole arms (wearing swords excepted) to the Lord Provost of Edinburgh. They treated James's friends with considerable severity. The common jail of Edinburgh was crowded with suspected persons. The Lords Balcarras and Kilfyth, and several gentlemen, were confined there, in separate dungeons, like the meanest malefactors; and, although the rigour of their confinement was abated, some of them were kept there for several years, notwithstanding the bribes taken by Lord Melvil, the Secretary, to procure their release. Nay, there is the 1692. most compleat proof, that torture † was repeatedly used to extort evidence, although, by the declaration of estates, it was expressly pronounced to be contrary to law. Connection will excuse us for anticipating

* Balcarras's mem. p. 69. et seq.; Scott's hist. p. 705.; London gazett, No. 2463.; Dalrymple's memoirs, p. 287. † Criminal register of Edinburgh, p. 1.; Records of

privy council, 13th June, 18th July 1689, 14th March 1690; Balcarras's mem. p. 85.; Journals of parliament, 18th April 1689; Swift's works, vol. 13. p. 312. et seq. p. 318.

1692. ticipating somewhat in our detail, by observing, in this place, that some pamphlets being printed in the year 1700 *, reflecting upon government, the whole printers in Edinburgh were summoned before the privy council, and two persons were imprisoned. The government exerted a still higher stretch of authority; for an engraving being executed, wherein various figures, pictures, and names, were represented, several persons † were apprehended; and the author, and one who assisted, were actually tried for high treason before the court of justiciary.

1695. A company for trading to Africa, and the Indies, was established, and favoured with considerable privileges, by an act of parliament in the year 1695. The Scottish nation universally flattered themselves with the most eager and unbounded prospects of extended trade and empire from the establishment of this company. But their sanguine expectations tended only to make them feel the more bitterly their cruel ‡ disappointment and mortification; a disappointment that not only ruined many families, but excited a dangerous ferment in the nation, which well nigh terminated in open rebellion. England was jealous that this company would rival its trade. William, like a severe and partial father, used every means to crush it both at home and abroad; and the English, Dutch, and Spaniards, from inclination, as well as direction, were alert ministers of his vengeance.

1696. The company being established, L. 400,000 Sterling were subscribed by Scotsmen residing in Scotland. Six ships of considerable force and burthen, laden with various commodities, sailed from the Frith of Forth. The news of their settlement on the Isthmus of Darien arrived at Edinburgh on the 25th March 1699, and was celebrated with the most extravagant rejoicings. Thanks were publicly offered

* Edinburgh gazette, No. 135. † Record's of justiciary, 14th and 22d April, and 24th May 1701; Edin. gaz. No. 213. 217. ‡ Acts of the Scottish parliament, 26th June 1695; Lockhart's memoirs, p. 29.; De Foe's hist. of Union; Scott's hist. p. 710. et seq.; Smollet's hist. of England, v. 9. p. 195.; Printed list of Adventurers; Edin. gaz. No. 8. No. 36.; Macpherson's hist. of Britain, v. 2. p. 170.

ferred up to God in all the churches of the city. At a public graduation of students, at which the magistrates, in their formalities, attended, the professor of philosophy pronounced a harangue in favour of that settlement, the legality of which, against all other pretenders, was maintained in their printed theses; and it seems even to have been a common subject of declamation from the pulpit.

The company felt severely the influence of its powerful opponents. The petitions and complaints of the company and the parliament, and the murmurs of the people, were equally disregarded. Upon news being received of the defeat of the Spaniards who attacked our settlement, a mob rose, obliged the inhabitants to illuminate their windows, committed outrages upon the houses of those who did not humour them by compliance, secured the avenues to the city, and proceeded to the tolbooth, the doors of which they burnt, and set at liberty two printers, who had been confined for printing pamphlets reflecting on the government. But, when it was understood that they were driven from their settlement, their capital lost, and their hopes utterly extinguished, they were seized with a transport of fury. Violent addresses were presented to the King; and the mob were so outrageous, that the Commissioner, and officers of state found it prudent to retire for a few days, lest they should have fallen sacrifices to popular fury *.

Upon the accession of Queen Ann, it was found not expedient to call a new parliament; and that which sat during the reign of the late King was assembled by her Majesty's command. The Duke of Hamilton, and seventy-nine members, protested against it as illegal, and withdrew from the assembly. The faculty of advocates passed

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* An act was passed in the year 1698, regulating the manner of building in Edinburgh, with regard to strength, conveniency, and security from fire. The utility of these regulations was made conspicuous by a fire, which in the year 1700, committed dreadful devastation, laying waste most of the buildings to the south and east of the parliament-square; by which, it was computed, near 200 families were dislodged. William, parl. 1. sess. 7. cap. 8.; Council regist. vol. 36. p. 475.; Edinburgh Gazette, No. 99.

1702. a vote among * themselves in favour of that protest, declaring it to be founded in the laws of the kingdom, for which they were prosecuted before the parliament, and sharply reprimanded, which gave great offence to the nation.

The discontent which the Scots felt at the loss of their settlement in Darien, which they imputed, in a good measure, to the ill offices of the English, produced an event, which, although not important in itself, inflamed their national animosity. A ship belonging to the African company was seized in the Thames. They solicited restitution in vain from the English ministry; but, upon making application at home, they obtained authority from the government to seize, by way of reprisal, a vessel (captain Green commander,) belonging to the English East India company, which put into the Forth. The unguarded speeches of the crew, in their cups, or their quarrels, made them be suspected, accused, and, after a full and legal trial, convicted of piracy, aggravated by murder, and that committed upon the master and crew of a Scots vessel in the East Indies. Still, however, the evidence upon which they were condemned, was by many thought slight, and intercessions † for royal mercy were used in their behalf. But the populace were enraged that the blood of a Scotsman should be spilt unrevenged. On the day appointed for the execution, a vast mob surrounded the prison, and the parliament-square, where the privy council, assisted by the magistrates of Edinburgh, then sat deliberating whether the sentence should be executed. The furious intentions of the populace were well known; and the magistrates assured them, that, three of the convicts were ordered for execution.

Mar. 16.
1705.

The Lord Chancellor passing from the privy council in his coach, some one called aloud, ‘ That the magistrates had but cheated them, ‘ and reprimed the criminals.’ Their fury instantly kindled into action. The Chancellor’s coach was stopped at the Tron-church, the glasses were broken, and himself dragged out of it. Happily some friends

* Lockhart’s mem. p. 15.; Scott’s hist. p. 713.; Smollet’s hist. vol. 9. p. 275. † Records of admiralty, 16th March 1705.; De Foe’s hist. p. 48.

friends of his Lordship rescued him. But it became absolutely necessary to appease the enraged multitude by the blood of the criminals. 1705.

The contiguity and compactness of the British isles, not extensive in territory, and being fortified in their boundaries by the sea, which divides them from the rest of Europe, promise such obvious advantages from their being united under one government, as even, in an early period of our history, attracted the attention, and excited the endeavours * of our Princes to its accomplishment. Edward I. proposed an union of the crowns, by the marriage of his son with the Maid of Norway. Henry VIII. made a similar proposal, by a marriage between his son and Mary Queen of Scots. And the crowns being united by the accession of James VI. to the throne of England, he earnestly, but ineffectually, attempted his purposed union, not only of the crowns, but of the kingdoms. The same desirable object was again fruitlessly attempted by Charles II.

The national antipathies which had subsisted between Scotland and England from the earliest periods of their histories, heightened by the pride, jealousy, and mutual injuries of both nations, and which had hitherto baffled every attempt towards their union, far from being allayed, were, by recent misunderstandings and offences, exasperated into keener animosity. Among the causes of these misunderstandings and offences, besides the establishment of the African company, which excited the jealousy of the English, who, from motives of policy or revenge, conspired its downfall, and the execution of Green the pirate, which have been already mentioned, there may be reckoned the massacre of Glencoe, a scene which we are happy that the nature of this work does not require us to fully these pages by its description; the mutual jealousies of Scotland and England concerning their respective religions, with the act for securing their civil and religious liberties, passed by the one nation †, and the ‘act for preventing dangers arising from the act of security,’ passed by the

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other ;

* Dalrymple's annals, p. 190. ; Hume's hist. v. 2. p. 250; Scott's hist. p. 172.; De Foe's hist. from p. 20. to p. 31.

† Acts of the Scottish and English parliaments.

1706. other; and the opposite views of different parties in both kingdoms, respecting the succession to the crown upon the demise of Queen Ann.

This last, however, operated equivocally; for, as the Jacobites dreaded the extinction of their hopes by an union with a nation which had already nominated the house of Hanover to the succession, so the same reason induced the Whigs, with the utmost of their power, to promote the union.

If the passions and interests of the nation, in general, were deeply engaged in an object of such importance, those of the city of Edinburgh behoved to be so in a peculiar degree. Whatever speculative, whatever real advantages Scotland might have promised herself from an union with the neighbouring kingdom, still Edinburgh would suffer in such objects, as, from their nature, behoved to strike the senses powerfully. The withdrawing the national councils, and every semblance of royalty, mortified her pride, and diminished her wealth and importance. It is not to be wondered, then, that a measure so universally unpopular in Scotland, should excite the most dangerous ferments in Edinburgh.

To use the words of De Foe *, ‘The Jacobite and the presbyterian, the persecuting prelate nonjuror and the Cameronian, the papist and the reformed protestant, parled together, joined interest, and concerted measures together,’ against the union.

October. The articles had been industriously concealed from the knowledge of the people; but, on their being printed, universal clamour and uproar ensued. The outer parliament-house, and the square adjoining, (the parliament being then sitting,) were crowded with an infinite number of people, who, with hootings and execrations, insulted the Duke of Queensberry, Commissioner, and every partizan of the union, while those who headed the opposition were followed with the loudest acclamations. Nor did the populace confine themselves

* De Foe's hist. p. 20. 28. 31.; Lockhart's mem. from p. 222. to p. 249.; Scott's hist. p. 723.; Smollet's hist. v. 9. from p. 429. to p. 435.; M'Pherson's hist. v. 2. p. 354. et seq.

selves to such empty marks of indignation. On the 23d of October, 1706. the mob attacked the house of Sir Patrick Johnston, a strenuous promoter of the union, their late Lord Provost, and one of their representatives in parliament. By a narrow escape, he saved himself from falling a victim to popular fury. The mob increasing, rambled through the streets, threatening destruction to the promoters of the union. By nine at night they were absolute masters of the city; and a report prevailed, that they were going to shut up the ports. To prevent this, the commissioner ordered a party of soldiers to take possession of the Netherbow, and afterwards, with consent of the Provost, sent a battalion of foot-guards, who posted themselves in the parliament-square, and the different lanes and avenues of the city, by which means the mob was quelled.

The panic which seized the commissioner, and others concerned in the treaty of union, was not, however, allayed. In order to their protection, and the support of their measures, the whole army was brought into the neighbourhood of Edinburgh. Three regiments of foot did constant duty in the city, a battalion of guards protected the abbey, and the horse-guards attended the commissioner. None but members were allowed to enter the parliament-square while the house was sitting; and his Grace the Commissioner walked from the parliament-house, amidst a double file of musqueteers, to his coach, which waited at the cross; and he was driven from thence at full gallop to his lodgings, hooted, cursed, and pelted by the rabble.

*Every expedient valued by * modern politicians*, as having the most powerful efficacy in promoting conversion, being applied, the union was completed. Although seventy years have elapsed since that period, the temper of the people, displayed in their speeches, writings, and particularly in the votes of a certain house upon the linen manufacture,

* Lockhart's mem. p. 414.

1708. manufacture, and Scots militia bills, lead us to suspect *, that they have not hitherto breathed a mutual spirit of harmony.

The new laws for collecting the revenue of Scotland being rigorously exercised by swarms of English tax-gatherers, who were poured into the country, rendered its degraded and abject situation more sensibly humiliating and oppressive. The general discontent of the people, with the eager hopes, and pressing instances of the Jacobites, induced the Pretender, with the assistance † of a French fleet, to attempt an invasion of Scotland, by landing in the river Forth. The Earl of Leven, commander of the forces, which were neither numerous nor well-affected, upon the first notice of the arrival of a French fleet, communicated the intelligence to the Lord Provost of Edinburgh. The Magistrates, and chief persons among the incorporations, being assembled upon this critical occasion, manifested their loyal resolutions in defence of the country, by ordering the town's company of fusilliers to be increased, and agreeing to raise 1200 men, to serve under Lord Leven. But the activity which Sir George Byng exerted, in pursuing the French fleet, and driving them from the coast, rendered their services unnecessary, and freed the nation from the imminent danger to which it was exposed. The Magistrates of Edinburgh testified their gratitude to Sir George, by presenting him and the principal officers in the fleet with the freedom of the city; and, at the same time, a genteel entertainment was provided for them.

The ideas of the people not being reconciled to a violation of hereditary right in the succession to the crown, with the unpopular and
1715. violent conduct of administration, excited a rebellion in Scotland. The council of Edinburgh provided for the security of the town, and

* The council considering, that the seat of parliament being removed to London, their representative would be put to considerable expence in attending it, ordered L. 300 a year to be paid to him; Council reg. 25th November 1709. † Lockhart's mem. p. 371. et seq.; Scott's hist. p. 742.; Smollet's hist. v. 9. p. 469. et seq.; M'Pherson's hist. p. 390; Maitland's hist. p. 113.; Edinburgh courant, No. 403.; Council reg. v. 39. 11th March. 12th March.

and the support of government, by ordering * the city walls and gates to be repaired and fortified ; the sluice upon the north-loch to be dammed up, and trenches to be made ; the town-guard to be augmented ; the trained bands to be armed ; 400 men to be raised and maintained at the city's expence ; and armed vessels to be fitted out, to assist the King's ships, in preventing the rebel army from crossing the Forth. 1715.

The enterprise began on the part of the rebels with an unsuccessful attempt to seize Edinburgh castle by surprise. The run upon Sept. 8. the bank of Scotland was so great, that they stopped payment on the 19th September, and ordered their notes to bear interest from that date. About 1500 men, under the command of Brigadier M'Intosh, were conducted over the Forth in open boats, with so much art and address, as to land in East Lothian safely, and without interruption from the armed vessels which cruized along the coast, to obstruct their passage. M'Intosh, with his troops, took possession of Seaton-house. They marched towards Edinburgh ; but found it so well guarded and fortified, as to make it imprudent to risk an assault, upon which they repaired to Leith, and fortified the citadel. The Duke of Argyle marched with his forces, intending to dislodge them ; but, being unprovided with cannon, was obliged to desist from his attempt. He threatened to return reinforced with artillery ; and the rebels thought proper to evacuate the citadel. Six thousand troops, demanded from the States Dec. 20. of Holland, arrived in defence of government at Edinburgh. Rebellion languished and expired ; and tranquillity was restored to the country.

Having in this chapter described the transactions of the city of Edinburgh during the arbitrary reign of James VII. the revolution, union, and rebellion 1715, it may not be amiss to consider the manners and customs of the people, and the prices of provisions during that period.

The

* Smollet's hist. v. 10. from p. 182. to 196. ; Scott's hist. p. 754. et seq. ; Maitland's hist. p. 118. ; Council reg. 26th October 1715. ; Scott's courant, No. 1544.

The magistrates, under authority of a grant by James VI. empowering them to make ‘acts, statutes, and ordinances, for the good government of the town, and to inforce them under such pains and penalties as they should judge expedient,’ exercised their jurisdiction in a manner that would not have disgraced a court of star-chamber. Not satisfied with the different corporations having exclusive privileges to exercise their separate trades, they * erected monopolies of almost every occupation that can be figured. One person got an exclusive privilege of printing news papers three days in the week; another of printing burial letters; a third of dispersing burial letters; a fourth of japaning; a fifth of keeping chaises to ply between Leith and Edinburgh; a sixth of keeping stage-coaches going between these towns; a seventh of hawking ballads and last speeches, &c.

Printers were prohibited by them from printing unlicensed † pamphlets, under the penalty of losing the freedom of the borough, and being otherwise *fined and punished at the will of the magistrates*. And they held so watchful an eye over the *education* of youth, that none durst teach dancing in public or private ‡, within the city or suburbs, without licence obtained from the council. It is not to be wondered, that, among a four and fanatick people, magistrates so well disposed to exercise authority, should pay particular attention to what they called the duties of religion. A rigorous attendance on public worship was enforced. People called, from their office, *seizers*, patrolled the streets, and apprehended those found walking in them during the time of sermons.

They interfered in matters beneath the cognizance of the civil magistrate, and which ought to be left entirely to the discretion of individuals. The council enacted, that, whereas, ‘the not obliging all persons to repair timeously to their lodgings || at night, is one
‘ of

* Council reg. v. 37. p. 214. v. 39. 10th and 17th August 1709, and 28th March 1702. Edinburgh gazette, No. 163.; Council reg. v. 49. p. 211. † Council reg. v. 37.

p. 475. ‡ Council reg. v. 49. 30th Aug. 1721. || Ibid. v. 36. p. 862.

‘ of the greatest causes of the abounding of drunkenness, uncleanness, night-revellings, and other immoralities and disorders, both in houses and upon the streets, and is a great hinderance to sober persons in their worshiping of God, in secret, and in their families.’ Therefore, they prohibit all persons from being in taverns, cellars, &c. after ten at night, under penalties, at the discretion of the magistrates, according to the degree of the contumacy; discharge vintners to keep people in their houses after ten o’clock, under penalty of 10d. each; order constables to search for, and the guard to inform upon persons found drunk in the streets; and declare their resolution to hold ‘ two courts in the week, allenary for cognoscing and punishing of immoralities, such as cursing, swearing, drunkenness, breach of the Lord’s day,’ &c. and to give informers the third part of the fines as their reward.

Absurd and extravagant punishments for fornication * † continued to be inflicted; the consequence of which was, that child-murder was exceedingly frequent. Four women were condemned for this crime in one day ‡, and died accordingly, declaring that their dread of the pillory was the cause of their murders.

Women, in the mean ranks of life, were in the most deplorable condition imaginable. The young, if they lost their chastity, were harrassed and terrified into crimes which brought them to the gallows; and the old, under the absurd imputation of witchcraft, were tormented by the rabble, till, by the confession of an imaginary crime, an end || was put to their sufferings §.

B b

A

* See chap. 1.
126. 137.

† Council reg. v. 37. p. 780.

‡ Fountainhall, Dec. v. 1. p.

|| Records of privy council.

§ That the reader may be enabled to form the more distinct idea of trials for witchcraft, as then conducted, we subjoin the following short account of a trial before the high court of judiciary, and an extract from the indictment: Ten women were accused of witchcraft. The facts from which the crime libelled was inferred, were pretty much the same. The indictment against one of them is as follows; ‘ Nevertheless ye are guilty of the said crime, in so far as, about two years since, ye the said Isobell Elliot, being then servant
‘ to

A lively idea may be formed of the number and condition of the poor, from the words of a contemporary author. ‘ There are, (says he), at this day, in Scotland, 200,000 people begging from door to door. These * are not only no way advantageous, but a very grievous burden to so poor a country; and, though the number of them be, perhaps, double to what it was formerly, by reason of this present great distress; yet, in all times, there have been about 100,000 of those vagabonds, who have lived without any regard or subjection, either to the laws of the land, or even those of God and nature; fathers incestuously accompanying with their own daughters, the son with the mother, and the brother with the sister. No magistrate could ever discover, or be informed, which way one in a hundred of these wretches died, or that ever they were baptized. Many murders have been discovered among them; and, they are not only a most unspeakable oppression to poor tenants, but they rob many poor people who live in houses distant from any neighbourhood. In years of plenty, many thousands of them meet together in mountains, where they feast and riot for many days; and, at country-weddings, markets, and burials, and other the like public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together.’

The

‘ to Helen Laing, in Peabroun, an witch, ye, at her desire, staid at home from the kirk, and was present at a meeting with the devil, the said Helen Laing and Marion Campbell witches, in the said Helen’s house, where the devil kissed you, and offered to lie with you, and caused you renew your baptism, and baptised you upon the face, *with an waff of his hand like a dewing*, calling you Jean; and ye being then with child, the devil did forbear to lie with ye; but, after ye were *kirked*, the devil had carnal copulation with you; and, since that time, ye have had several meetings with the devil and several witches, and has many times had carnal copulation with him.’ They were all convicted on their own confessions, condemned to be strangled at a stake, and burned. Records of Justiciary, Sept. 13. 1678.

What notion shall we form of popular opinions in general, or of those which then prevailed in this country in particular, when his Majesty’s advocate could prosecute, fifteen impartial jurymen convict, and the supreme judges of the nation condemn to the flames, ten women in one day, for having had carnal copulation with the devil?

* Fletcher’s works, p. 100.

The nobility and gentry, in public processions, funerals, &c. displayed a degree of pomp unknown in the present times. The Duke of Queensberry, the King's Commissioner, when coming to Edinburgh A. D. 1700*, was met by the Magistrates about eight miles from the city, which he entered with a train of near forty coaches, and about 1200 horse. And the riding of parliament, of which we have given a description in the Appendix†, was, we apprehend, a more magnificent procession than any now to be found in Britain, the coronation excepted. Horse-races, so much in vogue at the restoration, were not altogether disused. Public cock-matches were held in a cock-pit built in Leith links‡, A. D. 1702; and the passion for cock-fighting was so general among all ranks of people, that the Magistrates discharged its being practised on the streets, on account of the disturbances it occasioned||. A public concert of music was held in Bailie Fife's close every Saturday§, at five o'clock afternoon, during the whole winter season. Gentlemen exercised themselves in playing at golf, tennis**, and in shooting with bows and arrows. And scientific dabbles hunted after the perpetuum mobile††.

B b 2

A TABLE

* Edinburgh gazett, No. 128. † Appendix, No. VI. ‡ Spectators paid for admission into the cock-pit 10 d. for the front-row, 7 d. for the second, and 4 d. for the third; Edinburgh gazett, No. 339. || Council register, v. 37. 16th February 1704.
§ Edinburgh gazett, No. 339. ** The tennis court, which was in the precincts of the palace, was long ago converted into a weaver's work-house, and two years ago was burnt to the ground.

†† Among a number of extravagant advertisements which appeared about this time, respecting the perpetuum mobile, the reader will accept the following one, taken from the Edinburgh Courant, 15th December 1707: 'These are giving advertisement, that, in pursuance of some overtures given in by Mr Robert Stuart, minister of the gospel, in January and February last, in the Edinburgh Courant, concerning the perpetuum mobile. For the further satisfaction of mankind, and clearing their scruples anent the same, there was a curious model made at the charges of John Earl of Breadalbane; which model will demonstrate the possibility, probability, and practicability of these three new discoveries, viz. a balance, by which an equal overcomes an equal at the same time. Secondly, that being granted, a weight always going down, and never going lower. Thirdly, these being granted, a clear idea of the perpetuum mobile. If any man doubt of these propositions, the model is brought to town,' &c. &c.

A TABLE of the PRICES of PROVISIONS from A. D. 1685 to
1715.

	Sterling. L.	sh.	d.
1685. Principal pieces of beef, from 1st December to 1st June, per pound	0	0	2½
Ditto, from 1st June to 1st December	0	0	1½
Veal, from 1st November to 15th March	0	0	3½
Mutton, from 1st June to 1st August	0	0	2
Ditto, after the 1st August	0	0	1½
Pork	0	0	2½

No price is mentioned for lamb ; but exorbitant rates
are forbidden to be exacted for it*.

Turkey cock	0	3	6
Turkey hen	0	2	6
Tame goose before 1st December	0	1	2
Ditto in December	0	1	8
Capon	0	1	0
Hen	0	0	9
Cock	0	0	5
Pair of chickens from 1st April to 1st August	0	0	6
Pidgeons per pair	0	0	2½
Tame duck	0	0	8
Black cock	0	1	0
Partridge	0	0	6
Woodcock	0	0	7
Muir-fowl	0	0	6½
Sollen-goose	0	2	0
Pig	0	1	0

Rabbits

* Council register, v. 32. p. 180. 182. 188. et seq.

	Sterling.	L.	sh.	d.
1688. Rabbits per pair, skinned	.	0	0	10
Oysters <i>per</i> 100	.	0	0	10
Fresh butter <i>per</i> pound	.	0	0	4½
These were the prices of the different articles the best in quality.				
1690. Prisoner alimented <i>per</i> night	.	0	0	6
1699. Best wheat <i>per</i> boll	.	1	8	4
March. Ditto barley	.	1	2	2½
Oat meal *	.	1	2	0
Ditto <i>per</i> peck	.	0	1	6
Broad cloth, <i>per</i> yard, from 6 sh. to	.	1	4	0
Brandy <i>per</i> pint	.	0	4	0
Malaga <i>per</i> ditto	.	0	2	4
Florence ditto	.	0	2	8
1701. Claret <i>per</i> bottle	.	0	1	4
June. Horses grazed at Woodhall <i>per</i> night	.	0	0	6
Ditto, at Priestfield <i>per</i> ditto	.	0	0	7
1702. Coal at Woolmet <i>per</i> dale	.	0	8	4
Small ditto, <i>per</i> ditto	.	0	4	2
Finest wheat bread loaf of 6 oz. 8 drop	.	0	0	6
Second ditto, 8 oz. 12 drop	.	0	0	6
Third ditto, 10 oz. 15 drop, called <i>masbloch bread</i>	.	0	0	6
Tea <i>per</i> pound from 14 sh. to	.	1	10	0
Sugar <i>per</i> pound	.	0	0	8
But sometimes retailed at the rate of	.	0	2	0
Chocolate	.	0	3	6
Jamaica pepper	.	0	2	2
Starch	.	0	0	6½
1705. Woolmet coal <i>per</i> dale	.	0	11	8
Use of the cold-bath <i>per</i> time	.	0	4	0

Use

* Council register; Fountainhall's decisions; Edinburgh gazett; Edinburgh courant; Records of privy council.

		L.	sh.	d.
1705.	Use of the cold-bath <i>per</i> half year	2	0	0
	Ditto <i>per</i> year	3	10	0
	* Hot-bath <i>per</i> time, if one person entered it	0	10	0
	Ditto, if more than one bathed at a time, <i>per</i> head	0	5	0
1707.	Lemons, <i>per</i> dozen, from 1 sh. to	0	3	0
	Choppin bottles <i>per</i> dozen	1	10	0
	Pint ditto	3	0	0
1708.	Best wheat <i>per</i> boll	0	11	11
July.	Ditto bear	0	10	0
	Ditto oats	0	6	10
	Ditto pease	0	5	10
1709.	Best wheat	1	5	0
February.	Ditto bear	0	19	8
	Ditto oats	0	13	10
	Ditto pease	0	13	8
May.	Meal sold by the Magistrates for the relief of the poor <i>per</i> peck	0	1	0
1710.	Hay sold <i>per</i> stone	0	0	10
Sept.	Tow-wick candles <i>per</i> ditto	0	5	2
	Cotton-wick ditto	0	5	10

TABLE.

* The bath belonged to the company of surgeons. We may, therefore, rest assured, that the hot or cold baths were then prescribed for all diseases.

TABLE of Her GRACE the DUTCHESS of BUCCLEUGH and
MONMOUTH, kept at Dalkeith, A. D. 1701, and 1702.

Present, the family *, Earl of Rothes, Earl of Hadington, Lord
Elcho, and three gentlemen.

D I N N E R.

FIRST COURSE, Haunch of venison boiled; roast mutton; veal Saturday
Oct. 4.
1701.
collops; boiled fish; pidgeon pye; brown fricassée of rabbits;
whiting pottage.—SECOND COURSE, Roasted wild fowl; roasted
chickens; eggs in gravy; fried flounders; collard pig; buttered
crabs; tarts.

D I N N E R. Her GRACE's Table.

FIRST COURSE, 200 oysters; bacon and pease pottage; *haggis*, Nov. 8-
1701-
with a calf's pluck; beef collops; mutton roasted, three joints;
fricassée of five chickens; remove, a roasted goose.—SECOND
COURSE, six wild fowl, and six chickens; buttered crabs; collard
beef; tarts; four roasted hens.—Steward's table.—Beef, one
piece; roasted mutton, two joints.—Officers table.—Beef, two
pieces; roasted mutton, two joints.—Last table.—Beef, three
pieces; mutton roasted, six joints.

S U P P E R, Her GRACE's Table.

One joint of mutton in flakes; fried toast; broiled whittings; two
roasted rabbits.—Steward's table.—Mutton roasted, three joints.
—Officers table.—Mutton roasted, three joints; two hens.—
Last table.—Mutton roasted, eight joints.

BREAKFAST.

* M. S. household book of the Dutchess of Buccleugh and Monmouth, in the possession of his Grace the Duke of Buccleugh.

BREAKFAST.—Her GRACE's Table.

Two joints of mutton in collops; four quarters of roasted lamb; two roasted capons.

DINNER, Her GRACE's Table.

June 7.
1702. FIRST COURSE, A pottage, with one chicken; cold pidgeon pye; roasted beef; four fricasseed rabbits; two joints of mutton minced; remove, four boiled capons and bacon.—SECOND COURSE, Nine roasted chickens; a dish of tarts; two quarters of roasted lamb; a dish of pease; three roasted lobsters.—For the children, three chickens.—Steward's table.—Roasted beef; plumb-pudding.—Officers table.—Boiled mutton, three joints; roasted beef; plumb-pudding.—Last table.—Six joints of boiled mutton; four pieces of roasted beef.

BREAKFAST, Her GRACE's Table.

Two joints of veal in collops; six roasted chickens; eggs in the shell; four joints of roasted mutton.

DINNER, Her GRACE's Table.

July 12.
1702. FIRST COURSE, Pease pottage, with a hen; mutton-steak pye; roasted beef; four rabbits fricasseed; broiled whittings; ox cheek; fricasseed calf's foot; remove, four boiled hens with bacon.—SECOND COURSE, eight roasted powts*, and six chickens; tarts; four roasted ducklings; fryed sweet-breads; artichokes; amulet; collared pig.—For the children, three chickens.—Steward's table.—Boiled mutton, two joints; roasted beef.—Officers table.—Boiled mutton, four joints; roasted beef; plumb-pudding.—Last table.—Eight joints of boiled mutton; four pieces of roasted beef; plumb-pudding.

* Young moor-fowl.

The household-book, from which we have taken the preceding articles, contains also an account of the provisions purchased for that noble family ; but as, in general, they are charged much higher, in many instances double, in some almost treble, of what was undoubtedly the common rate of provisions at this period, we have not ventured to state from this book any articles, in the foregoing table, of the prices of provisions ; yet, as this book contains some articles, the prices of which we cannot instruct by any other document, and particularly of vegetables ; and, as we think it may not be improper to point out, to great and noble families, how much they may be imposed upon by their stewards, we subjoin the following table, which we hope will not be deemed altogether incurious nor useless.

A TABLE of the PRICES of several articles of PROVISIONS, as stated in the Dalkeith household-book, A. D. 1701, and 1702.

		L.	sh.	d.
1701.	October 24. A hen	0	1	2
	A pair of chickens	0	0	10
	A pair of rabbits	0	1	8
	Oysters <i>per</i> 100	0	2	0
	A pair of soles	0	2	4
	October 30. Tame duck	0	1	2
	24. A peck of pears from Inveresk	0	11	0
	November 1. Ditto of potatoes from Edinburgh	0	2	6
	Artichokes <i>per</i> dozen brought from Pinkey	0	1	0
	Onions <i>per</i> 100	0	1	8
November 14.	Turnips from Edinburgh <i>per</i> 100	0	2	6
	Carrots from ditto <i>per</i> 100	0	3	4
	Baking apples from Monkton-hall <i>per</i> peck	0	6	0
	A large turbot	0	5	0
	C c			A

		L. sh. d.
November	A turkey cock	0 6 0
	15. Powder fugar <i>per</i> pound	0 1 1
	22. Loaf fugar <i>per</i> pound	0 1 8
	29. A pound of mace	1 17 4
1702. June	1. A green goose	0 2 0
	2. Ditto of nutmeg	0 16 0
	2. O. S. A peck of green peas from Newbottle	0 4 2
	A pint of gooseberries	0 0 4
	3. Turnips <i>per</i> dozen	0 0 6
	4. Cherries <i>per</i> 100	0 1 0
July	2. Ditto <i>per</i> ditto	0 0 2
	Green peas <i>per</i> peck	0 1 0
	7. Colliflowers <i>per</i> dozen	0 5 0
	29. Apricots <i>per</i> dozen	0 0 6
	Plumbs <i>per</i> ditto	0 0 6
July	7. A follen goose	0 2 4
	Anchovies <i>per</i> pound	0 4 0

CHAPTER

CHAPTER VI.

*FANATICK Edicts of the Town-Council and Presbytery of Edinburgh
—A great Fire in the City—Porteous's Mob, and its Consequences—
Extreme Rigour of the Season—Rebellion 1745, and its Consequences.*

THE council, to enable the Provost to defray the expences of 1718. his office, having allowed him mean and base perquisites, such as secret acknowledgements from those who got lucrative offices from the city, gratuities from those who obtained tacks of the city's lands, or other branches of its revenue, &c. &c. which, far * from supporting his station with becoming dignity, tended to make him mean, mercenary, and rapacious, abolished this infamous practice †, and settled upon the Provost, in its stead, a salary of L. 300 a year.

The council, at this time, resumed a project they had formed in the reign of Queen Anne, of improving the harbour of Leith, by extending the pier, and building wet and dry docks ‡, at the national expence. The government would not incur the expence, but encouraged the council in their projected improvement, by prolonging, for nineteen years, the duty of two pennies Scots on the pint of ale and beer sold within the city, or liberties. The scheme, accordingly, was in part executed, and the town's debts, which were then about L. 25000, in the space of five years, were nearly doubled.

The business (if it may be so called) of the town of Edinburgh 1722. now consisted in laying humble addresses at the foot of the throne

C c 2

upon

* Council register, v. 46. 10th September 1718. † About this time, a subscription was set on foot by the presbytery of Edinburgh, for relief of the suffering protestants in Lithuania. The sum raised within the presbytery amounted to L. 821 : 9 : 0 $\frac{2}{3}$; Register of presbytery of Edinburgh, v. 7. p. 133. ‡ Maitland's hist. p. 120.

upon every trifling occasion, and describing the sinful state of the people, ‘ the abounding * of vice and immorality, particularly horrid cursing and swearing, breach of the Lord’s day, drunkenness, uncleanness, mocking at religion and religious exercises, contrary to the holy word of the great God, laws, and acts of parliament;’ and in denouncing their anathemas against such evil doers, and those who should be found standing on the streets on the Lord’s day, or taking their diversion †, *by walking* before, between, or after sermons.

At

* Council register, v. 51. p. 282.

† The town-council and presbytery of Edinburgh went hand in hand in their zealous attempts to enforce a Judaical observation of the Sabbath. The reader will form a proper idea of those *pious times*, from the following act of presbytery, the observation of which was strictly enforced by the authority of the town-council, as well as by the spiritual artillery of the church. ‘ The presbytery, taking into their serious consideration **, that, notwithstanding, &c. &c. yet a great number take an unaccountable liberty in despising and profaning the same (i. e. the Lord’s day) idly and wickedly, by standing in companies in the streets, mispending the time in idle discourse, vain and useless communications, wholly alien from the true design and work of the day; and by withdrawing from the city, and other places of their abode, and taking occasion thereunto, some immediately before public worship, and others after it is over, to take their recreations in walking through the fields, parks, links, meadows, with other places to which they resort in companies, to find their own pleasures. And by entering into taverns, ale-houses, *milk-houses*, gardens, or other places, to drink, tiple, or otherwise mispend any part thereof; by giving or receiving civil visits, which have no place amongst the works which are required or allowed on the Lord’s day; and by idly gazing out of windows, beholding vanities abroad, an indication not only of levity, but a profane neglect of the fittest time for *salvation work*. Yea, some have arrived at that height of impiety, as not to be ashamed of washing in waters, and swimming in rivers upon the holy Sabbath. But by these, and many other ways, is the Lord’s day profaned.

. solemnly declare our just abhorrence of the
forefaid profanation. And do charge all who are guilty of Sabbath-breaking in any of the forementioned instances, or any otherwise, as they would not bring down the wrath of God upon themselves and the land, that they forthwith henceforward seriously repent, wholly break off and abandon this their wickedness, certifying all such who shall be
found

** Register of presbytery of Edinburgh, 29th April 1719.; Council register 24th May 1721.

At this time, a great fire happened in the lawn-market. It burn- 1725.
ed with such rapidity, that neither the household-furniture, goods,
nor even the merchants books could be saved from the flames, in
many of the houses that were consumed. A contribution was set on
foot by the Magistrates, for relief of the sufferers. L. 938 : 15 : 8
were raised for this charitable purpose. The sum was distributed
by the Magistrates and Ministers of Edinburgh, and Lord Miltoun.
A great * part of it was disposed of in this upright and equitable
manner ! To one gentleman, afterwards member of parliament for
the city, L. 124 : 4 : 0 ; to another gentleman, afterwards Lord Pro-
vost, L. 225 ; to a poor episcopal clergyman L. 2.

A tumult, as it has been commonly called, but, to speak more pro- Sept. 7.
perly, a conspiracy, now happened in Edinburgh ; a conspiracy e- 1736.
qually remarkable for the art with which it was contrived, the dex-
terity with which it was executed, and the heavy load of vengeance
which it drew upon the city.

The discontents raised by the union had not been entirely extin-
guished. They were increased by the malt-tax, which, over all
Scotland, was considered as extremely oppressive. But, notwith-
standing which, while in other places there were tumultuous risings,
Edinburgh behaved with such exemplary quietness and decorum, as
attracted

* found guilty, that they shall be liable to the censures of the church. And we obtest all
* whomsoever, in the bowels of Christ, and as they would find mercy through him, that,
* from a principle of religious love and fear, they practically remember the Sabbath day,
* to keep it holy,' &c. &c. Although the following circumstance happened about sixteen
years after this act of presbytery, it may not be improper to insert it in this place. The
people, about that time, were in use to teach their birds to chant the songs of their party.
It happened, that the blackbird of an honest Jacobitical barber, which, from his cage on
the outside of the window, gave offence to the zealous whigs by his songs, was neglected,
on a Saturday evening, to be brought within the house. Next morning, he tuned his
pipe to the usual air, '*The King shall enjoy his ain again.*' One of the *seizers*, in his holy
zeal, was enraged at this manifestation of impiety and treason in one of the feathered
tribe. He went up to the house, seized the bird and the cage, and, with much solemn-
ity, lodged them in the city-guard.

* Printed distribution of this charity, bound up with the Council register, v. 51.

1736. attracted the attention, and even the applause of government. An ill judged exertion of the noblest, yet most dangerous privilege of royalty, heightened those discontents, and kindled them into open violence. At the execution of a smuggler in the grafs-market, attended with no other disturbance than the boys pelting the executioner with stones, which, at Edinburgh, was common on these occasions, John Porteous, captain of the city-guard, thought fit to fire twice upon the mob, and to order his men to do the same; the Captain's orders were obeyed; and six people were killed, and eleven severely wounded. Porteous was prosecuted at the city's expence,

July 20. convicted by the unanimous verdict of a jury, and condemned: But Queen Caroline (then Regent) indulged the criminal with a reprieve. —The people were enraged to a degree of fury. They remembered that it had been a common practice of government, to screen the *well affected* from the punishment of their murders: That the office of King's advocate was with-held from Sir John Lauder of Fountainhall, because he declared he would prosecute the authors of the massacre of Glencoe, and that they escaped accordingly. They remembered that Green and his crew, who had been convicted of piracy and murder, committed upon their countrymen, would all of them have been pardoned, had not government been intimidated by the fury of the populace: That when a riot, excited (as many people thought) by oppression, happened at Glasgow, and the military fired among the mob, and killed or wounded * about twenty people, the commanding officer escaped unpunished, and was promoted in the service: Nay, that tyranny had then so established her dominion, that, when every engine of ministerial power was exerted to bring *the rioters* to punishment, while the criminal register was swelled with the catalogue of their proscriptions, no punishment was inflicted

* Council reg. v. 56. p. 331. v. 57. p. 53. Records of Justiciary for A. D. 1725, 1726, and 20th July 1736. Maitland's hist. p. 123. and 124. Smollet's hist. v. 11. from p. 1. to p. 7. London Magazine, v. 5. p. 458. 510. 520. vol. 6. p. 219. 220. 300. 717. 737. Journals of the House of Commons, vol. 22. 16. 24. May 8. 9. 13. 15. June 1737.

flitted on *the murderers* : Not even the ceremony of a trial was performed to appease the injured *manes* of the slain. Fired with jealousy and resentment, they resolved, that even royal mercy should not rescue Porteous from their vengeance. 1736.

A number of people, from different quarters, assembled on the night previous to that on which his execution would have taken place, had not the Queen granted him a reprieve. The cloaths which appeared under their different disguises, as well as the conduct and deliberation with which their plan was executed, bespoke many among them to be superior to the vulgar ; and that the violence they committed proceeded not from the rash and unpremeditated concert of a rabble. They surpris'd and disarmed the town-guard, blocked up the gates of the city, to prevent the admission of troops quartered in the suburbs. The prison-doors, which would not yield to the force of their hammers, they consumed by fire. The prisoners they dismissed, (Porteous excepted), whom they threatened with the tragical catastrophe which he dreaded. In vain did the magistrates endeavour to quell or appease the ferment. They were pelted with stones, and threatened to be fired upon. The member of parliament for the city went to General Moyle, commander of the forces in Scotland, and intreated his immediate assistance, by the introduction of a body of his troops into the town ; but this the General refused, because he had no written order from the magistrates to that effect ; which, indeed, Mr Lindsay, the member, in such confusion, neither could obtain, nor venture to carry about his person through the midst of an enraged populace. They marched with lighted torches to the Grass-market, opened a shop, took out a coil of ropes, and paid for them ; and, after allowing Porteous to give to an acquaintance, in trust, the money he had about him, to be delivered to his relations, they proceeded to a dyer's post, nigh the spot where the unfortunate people were killed. After reproaching him with his barbarity, they hanged him on the post, and dis- Sept. 8.
perfed

perfed quietly, without committing any other outrage or difturbance whatever.

Information of this outrage was received at court with the utmoft indignation. It was deemed a premeditated insult to government. Several expreffes were difpatched to his Majefty then at Hanover. A pardon was promifed to offenders, if they would difcover their accomplices, and alfo a reward of L. 200 for each perfon fo apprehended and convicted; and it was refolved to make the city feel the weight of minifterial vengeance.

1737. The Lord Provoft of Edinburgh was taken into cuftody, and, af-
 April 1. ter almoft three weeks confinement, was admitted to bail. His Lordfhip, with the four bailies of Edinburgh, were commanded to attend the Houfe of Lords. Three of the Lords of jufticiary were likewife ordered to attend; but this order produced a debate, upon a cafe not provided for by the articles of union, and for which there was no precedent; namely, how the Scottifh judges fhould be received, on the wool-facks, at the table, or at the bar? The arguments in favour of the firft of thefe alternatives are obvious: That as, in the Houfe of Lords, bills are paffed relating to Scotland as well as England; as appeals, upon cafes decided in Scotland, receive their final decifion in that houfe; and, as Scottifh Peers, for crimes committed in Scotland, would fall to be tried in that Houfe, doubts concerning the Scots law might frequently arife, which would make it as requifite to have the opinion and affiftance of the Scottifh judges, upon thefe cafes, as to have thofe of the Englifh judges upon fimilar cafes in the neighbouring kingdom: And that, when the Scottifh judges fhould be fo called upon, no inequality, no diftinction fhould be obferved between the judges of the fupreme courts in Scotland, and thofe of an equal rank in England. To thefe it was answered, that no perfon had a right to be admitted within the bar of the Houfe of Lords, but by patent, by writ, or by cuftom: That the Scottifh judges flood in neither of thefe predicaments; therefore they could not be admitted: And farther, that the Scottifh judges

judges did not enjoy that privilege in their own country before the union." 1737.

But, in fact, persons who were not members of the House of Lords had been admitted within their bar. And two gentlemen who had been judges, but were not so then, in the year 1688, were called upon to give their evidence at the table. And as to the Scottish judges not enjoying that privilege in their own country, the constitution of their parliament did not require it. However, by a plurality of voices, they were ordered to attend at the bar in their robes.

An inquiry was made in the House of Lords, respecting the legality and justice of the sentence by which Porteous was condemned. A motion was made for having it declared erroneous; and several of the members scrupled not to censure both the verdict of the jury, and the sentence of the court. They were both, however, fully justified, and the motion was dropped.

A bill was brought in, for disabling Alexander Wilson, Esq; Lord Provost of Edinburgh, from enjoying any office, or place of magistracy, in that city, or in any part of Great Britain; for confining him to close custody for a full year; for abolishing the city-guard, and taking down the gates at the Netherbow-port. It passed the House of Lords, notwithstanding the vigorous opposition it met with from the Duke of Argyle, and many more of their Lordships. The bill was sent down to the House of Commons. The Scots members, *one only excepted*, exerted themselves to the utmost, in defence of their capital. In every stage it received the keenest opposition. The bill was altered in its most essential circumstances. The clauses for imprisoning the Lord Provost, abolishing the city-guard, and taking down the gates, were left out. In place of these, a fine of L. 2000, to be applied to the use of Porteous's widow, was imposed upon the city. And, even then, it was carried in the committee by the smallest possible majority. One hundred and thirty members voted for reporting the bill as amended; the same number voted against it. And,

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although

1737. although it is customary for the chairman to give his voice upon the side of mercy, he voted in favour of the bill. It is farther remarkable, that two Scots members, the Solicitor General, and Mr Erskine of Grange, were then attending an appeal in the House of Lords, and were refused leave of absence, otherwise the bill would have been totally lost *.

Thus was the community of Edinburgh exposed to great danger, and involved in much trouble and expence†, for a deed not their own; and to prevent which, although they, perhaps, did not exert every means that might have occurred to a person deliberating in his closet, while danger was at a distance; yet they used such endeavours as should for ever have screened them from the suspicion of being concerned in that outrage, or even of culpable neglect.

It is very remarkable, that, although forty years have now elapsed, no information has been offered, no discovery made of those concerned in this conspiracy, notwithstanding the high rewards offered to informers; and the number of people whom it behoved to have been engaged in it; but a fidelity has been shown, which none but people acting from principle could have observed.

To prevent such catastrophes in time coming, the town-council ordained, that, on the first appearance of an insurrection, the chief officers, in the different societies and corporations, should immediately repair to the council, to receive and execute such orders as the magistrates shall give them, for quelling such tumults; and that under a penalty of L. 8 : 6 : 8 for each omission.

1740. In the beginning of this year, the weather was remarkably severe. The cold was so intense, that above Alloa, the Forth was entirely frozen over; nay, there was even a crust of ice at the Queen's-ferry.

* The nature and design of this work could not admit, with propriety, our inserting the copious arguments that were used for and against this bill.

† Porteous's widow, on account of the favours the town-council had shown her, accepted of L. 1500 in full. The expence of the magistrates in their journey to London, and stay there, with lawyers fees, &c. &c. at London and Edinburgh, considerably exceeded that sum.

ferry. By the mills being stopped, a great dearth was occasioned; 1740.
 by the vast quantity of snow upon the ground, coals were brought
 into the town with difficulty, and several people perished with cold.
 The magistrates of Edinburgh *, with other societies and individuals,
 did not sit idle spectators of the distress of the poor. Public contri-
 butions were levied, private donations were sent, money was lent
 by the banks to the magistrates without interest, for buying victual,
 which they sold to the poor at very easy rates; but a bad harvest suc-
 ceeding †, and the prices rising, notwithstanding the great vigilance
 with which the magistrates exerted themselves to keep the markets
 properly supplied, the people became tumultuous, broke in upon, and
 plundered several granaries, assaulted the justices of peace, and troops
 who were sent to disperse them, and could not be restrained, till the
 military, upon orders being given by the civil magistrate, fired up-
 on the mob, killed one, and wounded several. Afterwards, upon
 discovery being made, of several dead bodies having been raised, the
 mob ‡ burned the houses of suspected persons, and committed other
 extravagancies, notwithstanding the magistrates endeavoured to ap- 1742.
 pease them, by rigorously punishing those who were concerned in
 violating the sepulchres of the dead.

The town-council having been acquainted, in a letter from one of the 1744.
 secretaries of state §, of an intention formed to invade these kingdoms,
 by the eldest son of the Pretender, assured his Majesty of their fide-
 lity in a loyal address; and, upon information of his being landed in
 the north, they prepared for a vigorous defence of the city. The city-
 guard were augmented to a hundred and twenty-six men, the trained
 bands were ordered ¶ to be in readiness at the shortest warning. Ap- 1745.
 plication was made to his Majesty, and leave granted, to raise, and

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maintain

* Scots Magazine, v. 2. p. 482.; Council reg. v. 60. p. 241.; Caledonian Mercury, No. 3090. 3091. 3092. 3094; Maitland's hist. p. 124.

† We do not find, that, at the time this scarcity was severest, wheat sold for more than L. 1 : 6 : 0, or meal for more than 19 s. per boll.

‡ Crim. reg. of Edin. 12th April 1742.

§ Council reg. 22.

Feb. 1744.

¶ Council reg. 23. 28. August, 2. 4. 9. September 1745.

1745. maintain by subscription, a thousand men, who were to be under the
 Sept. direction of the Lord Provost and council. A part of the King's forces were brought into the neighbourhood of the city; its walls ordered to be repaired; ditches to be thrown up; and inn-keepers, and others who let lodgings, were required to give exact lists of strangers residing in their houses.

Upon the approach of the Pretender's army, which a few days before had crossed the Forth above Stirling, the cash of the banks, and other public offices, was removed into the castle. The King's forces, who, with the town-guard, were posted at Corstorphin, and the Colt-bridge, fled precipitately. The town-guard retreated into the city, which was seized with general consternation. The * inhabitants exclaimed, It was madness to expose their lives and properties to certain danger, by shutting the gates of a city utterly untenable against such an army. The citizens were summoned to attend in the New-church isle. It was there debated, Whether the city should stand on its defence? Three or four voices only exclaimed in the affirmative. Upon which it was agreed to capitulate

Sept. 16. on the best terms that could be obtained. When, for this purpose, they were appointing deputies to treat with the Pretender's army, a letter was handed in, addressed to the Lord Provost and Magistrates, which was read as follows: '*Whereas we are now ready † to enter the beloved metropolis of our antient kingdom of Scotland.*' Here the reader was stopped with an interrogatory, By whom is the letter signed? and, upon being answered, '*It is superscribed, Charles Prince of Wales,*' the meeting broke up in great confusion. Early next morning, a coach driving down the streets, the sentinels, suspecting
 17. no bad consequences, permitted the porter to let the coach pass. But, upon the gates at the Netherbow being opened, a party of Highlanders, who had reached the gate undiscovered, rushed in, secured this and the other gates of the city, took possession of the main guard,

* Maitland's hist. p. 127.; Scots magazine, v. 7. from p. 434. to p. 436.
 land's hist. p. 128.; Scots magazine, v. 7. p. 437.; Smollet's hist. v. 11. p. 217.

† Mait-

guard, made the soldiers on duty prisoners, and seized upon the 1745.
arms and ammunition belonging to the city.

About noon, the Highland army, headed by the Chevalier, arrived in the King's-park, and encamped near Dudingston; the Chevalier himself taking possession of Holyroodhouse. They were met by an immense multitude of spectators, whom the novelty of Sept. 16. the fight, or affection to the cause, had drawn together. The heralds and pursuivants were obliged to publish at the cross, with the ceremonies customary at royal proclamations, a declaration, commission of regency*, and manifesto. In these, the subjects were promised the free exercise of the protestant religion, and full enjoyment of their rights and privileges. Besides these, proclamations were published, commanding the inhabitants of the town and county of Edinburgh to deliver up their arms at the palace of Holyroodhouse; and prohibiting the soldiers, and others in the Highland army, from molesting the people, or pillaging their effects, under pain of being punished by martial law, with death, or otherwise, according to the offence. A message was sent to the city, requiring, under pain of military execution, a certain quantity of stores for the army, of which payment was promised as soon as the present troubles should be over. They were furnished accordingly; and an assessment of two shillings and sixpence upon the pound was imposed on real rents within the city and liberties of Edinburgh, for defraying that expence.

Upon the 20th, the young Pretender and his followers marched 20. from their camp near Dudingston, in quest of the King's forces. These consisted † of about three thousand foot and dragoons, well supported with artillery, who were, by this time, encamped in the neighbourhood of Prestonpans. The Pretender's forces were nearly of the same number. But they were a body of ragged, undisciplined, half-armed Highlanders, without cavalry or artillery. Those who

* Maitland's hist. p. 128.; Scots magazine, v. 7. p. 438. † Maitland's hist. p. 129.; Scots magazine, v. 7. 439.; Smollet's hist. v. 11. p. 218.

1745. who viewed them, looked upon them with compassion, as a set of unhappy people, devoted to immediate destruction. Both armies lay all night upon their arms. Early next morning, the Pretender's army attacked the King's, which, in less than ten minutes, they totally routed. All the infantry were either killed or made prisoners. The baggage, artillery, and military chest, became the prize of the Chevalier, who returned in triumph to Edinburgh; and a striking, yet by no means singular, example was left of the uncertainty of the fate of battle.

Sept. 21.

The Chevalier bore his good fortune with moderation. His followers observed a decorum which could hardly have been expected from a victorious army of mountaineers. The prisoners were liberated upon their* parole, (which, however, they afterwards broke.) The established clergy were desired to continue the celebration of public worship, as usual; but which, for reasons best known to themselves, they all declined, except the morning lecturer in the Tron-church, and the ministers of the *West-kirk*, who continued to pray for King George by name, and to recommend loyalty to him, without receiving any disturbance. None of the inhabitants were either killed or wounded by the Highlanders, during their stay in the neighbourhood. Scarce were there any pillaged. Some villains having put on white cockades, and, under these badges, robbed the inhabitants, one of them was condemned by martial law, and shot. And, such was the simplicity of these poor Highlanders, that, it is said, some among them presented their pieces at passengers, and, upon being asked what they wanted †, answered, ‘*a penny,*’ with ‘which they went away satisfied.’

Although the Highland army kept guards at the Weigh-house, and other avenues to the castle, yet neither the army nor the city suffered any disturbance from that fortress till the 25th, when the scrambling of goats upon the rocks, or some such noise, alarmed the garrison; upon which a number of cannon pointed against the Highland

Sept. 25.

* Scots magazine, v. 7. p. 441.; Smollet's hist. v. 11. p. 219.; Maitland's hist. p. 129.

† Scots magazine, v. 7. p. 442.

land guard at the West-port * were discharged, which, however, did 1745.
very little damage. Upon the 29th orders were given to the High-
land guard at the Weigh-house to prevent all intercourse between
the city and castle. The governour of the castle, dreading that the
garrison might be straitened for provisions, sent a letter to the Lord
Provost, intimating, that, unless a free communication between the
city and castle was preserved, he would be under a necessity of dis-
lodging the Highland guard by artillery.

A deputation from the city was thereupon sent to the Pretender,
informing him of the danger with which it was threatened. He
answered, by expressing 'his concern at the barbarity of an order
'for bringing distress on the city, on account of what it was not in
'its power to prevent: That, should he, out of compassion to the
'city, remove his guards from before the castle, he might, with e-
'qual reason, be required to abandon the town: That, in the mean
'time, he would make reprisals on the estates of those within the
'castle; and that, in the end, he would give the city ample indem-
'nification.' The deputies from the city waited on the governour
of the castle, and obtained a respite from the threatened cannonading
for a few days. But, upon the sentinels firing at some people who O3. 1.
were carrying provisions into the garrison, several great guns were
discharged from the castle, which damaged the houses, and wound-
ed the persons of the citizens; and, any intercourse between the city
and garrison being prohibited, the latter began a severe cannonading,
which filled the city with affright and tumult. Houses were set on O3. 4.
fire, the streets were scoured with cartridge-shot from field-pieces
placed on the Castlehill; the inhabitants were busied in removing
their most valuable effects, and their infirm relations, from the reach
of these engines of destruction. Many people who lived in places
where there was no hazard, affected with the general panick, fled
with their effects they knew not whither. The firing continued
next day; and several inhabitants being killed and wounded, the
Chevalier

* Scots Mag. v. 7. from p. 442. to p. 445. ib. p. 491. Maitland's hist. p. 130. 131.

1745. Chevalier issued a proclamation in the evening, which he next day published, setting forth ‘ the infinite regret he felt at the many murders committed upon the inhabitants by the commanders of the garrison ; that he might justly proceed, agreeable to his threatenings, to execute reprisals upon the estates of his enemies ; but he thought it no disgrace to suspend punishment, or alter a resolution, when thereby innocent lives could be saved ; therefore the blockade of the castle was taken off, and the threatened punishment suspended.’ After this proclamation the cannonading was stopped.

Thus did the city of Edinburgh feel, what will ever be the case, that the castle cannot contribute to its security, but may become the engine of its destruction.

Oct. 31. The Chevalier marched for England, with an army of about six thousand men. He besieged Carlisle in the beginning of November ; and in three days it surrendered. He afterwards took his route for Manchester, where he was joined by about two hundred men, and penetrated to Derby. Here he paused. He and his followers were much disappointed, at getting no adherents in England, except the few who had joined them at Manchester. His troops had suffered the inconveniency of marching * in that rigorous season, through a country which appeared generally hostile. A powerful army, which the King himself was determined to head in person, lay between him and London. Another lay behind him, and might intercept his retreat to the North. Murmurs were heard in his camp, and distraction had seized his counsellors. A council of war was held ; and, after violent disputes, an immediate retreat was resolved on.

Prince Charles accordingly abandoned Derby, and retreated to Scotland, before an harassing enemy, with a celerity and good order almost unparalleled : Neither plundering the country, nor leaving the sick, the stragglers, nor artillery to the enemy. He defeated the
King’s

* London Mag. vol. 14. p. 365. 607. 615. ; Smollet’s history vol. 11. p. 224. 229.

King's forces, commanded by General Hawley, at Falkirk *. His 1746. army then proceeded to besiege Stirling castle ; but, as they failed in the enterprize, and, as the royal army, commanded by the Duke of Cumberland, was in pursuit of them, they retired precipitately to the north.

In the course of their retreat, the Pretender's followers gained some trifling advantages over certain parties of the King's forces ; but these, by no means, counterbalanced the losses the rebels suffered in their retreat. The Duke of Cumberland had secured the passes at Perth and Stirling ; the country through which they marched was exhausted ; a sloop of war, with a considerable supply of money and arms from France, for the use of the Pretender, was taken ; and the royal army was in close pursuit of them.

From the 18th of March, the rebel army had received no pay, March 18. but subsisted chiefly upon oat-meal, and that not in sufficient quantity ; so that, although harrassed with fatiguing marches, the scantiness of their provisions compelled them to give battle to a superior army.

On the 16th of April, the royal army, after a march of nine miles, came up with the rebels. These they found about six thousand strong, drawn up in order of battle on the field of Culloden. The King's forces, which were more numerous, were disposed in excellent order by the Duke of Cumberland, who, in the whole conduct of the engagement, displayed the qualifications of an able general. The royal army, too, was supported with ten field-pieces ; but the artillery of the rebels were less numerous, ill served, and ill pointed. The cannonading began about one in the afternoon ; and the rebels, impatient at being galled by the royal artillery, marched on to the attack, and charged the King's forces with their usual impetuosity. The left wing was staggered with the fury † of their as-

E e fault ;

* Scots Mag. vol. 8. p. 40. 48. ; Smollet's Hist. v. 11. p. 231. 235. † Scots Mag. v. 8. p. 185. 188. 194. ; London Mag. v. 15. p. 210. ; History of the rebellion, p. 186. 188. 202. 226. 232. ; Smollet's Hist. v. 11. p. 240.

1746.

fault ; but two battalions advancing from the second line, quickly repulsed them. At the same time, Hawley's dragoons, and the Argyleshire militia having pulled down a park-wall which covered the right flank of the rebels, attacked them sword in hand, and completed their confusion. In no quarter of the battle, but the left wing of the royalists, had the rebel army ever made any impression. The French auxiliaries stood inactive during the whole engagement ; and an entire body of highlanders avoided the shock of battle by retreating in good order. A total rout ensued. The conquerors, exasperated against the enemy by national antipathy, political prejudices, and the distresses which they had hitherto suffered from the triumphant banners of the north, fullied the glory of victory by their cruelties towards the vanquished. Two thousand of the rebels fell in the field of battle. For, in this engagement, among the vanquished, *there were no wounded* ; such as were not killed outright in the hour of battle, either perishing for want of assistance, or by more positive acts of barbarity. A pretended order of Prince Charles to give no quarter, said to have been found in the pocket of a rebel, was trumped up as an apology for these cruelties. Of the royal army fifty were killed, and about five times that number wounded.

By this victory the rebellion was completely extinguished. It was indeed so decisive, as, by allaying the apprehensions, might have mitigated the severities of government. The vanquished prince was fled. For five months he underwent a scene which was but one tissue of hardships, perils, and miseries. Beset by numerous parties by land ; the coasts strictly guarded ; the places of his concealment known to many in the lowest paths of fortune ; and a price of thirty thousand pounds on his head, might have been thought to have precluded the possibility of his escape. Yet none of his enemies discovered his retreat ; none of his confidants * betrayed it ; and he at length got safe to the continent.

The

* One of those poor Highlanders who were privy to his retreat, abhorring treachery to his prince, disdaining the price of blood, and despising his own danger, kept sacred his important trust ; yet was afterwards hanged for stealing cattle. Upon his condemnation;

The rebels were scattered in small parties, anxious for nothing but to provide for their safety, by the obscurity of their concealment; a precaution, which, in that part of the country, was found necessary to be taken by all who were suspected of attachment to the house of Stuart. The Highlands were given up to all the horrors of a conquered country.

Orders were published by the Duke of Cumberland, and read from* the pulpits, commanding all who had been in the rebellion to deliver up their arms; and all who had in their possession, or could make discovery of any arms or effects belonging to the rebels, instantly to deliver them up, or to make such discovery, under pain of military execution. At the same time, the sheriffs and other inferior judges, were ordered to make strict search after those who had been in the rebellion, and had not delivered up their arms, and all who had harboured or entertained them, and to commit them to prison for trial. *To which effect, the judges and officers were commanded to take information from the presbyterian ministers of the lurking places of the rebels.*

The Duke, with his army, marched to Fort Augustus, and detached parties were sent over all the country to hunt down the rebels. Numbers were hanged without ceremony, by orders from the general officers, as spies, deserters, or rebels. The houses of the Highland chiefs were plundered and burned: Nay, through a large tract of country, every village and hovel shared the same fate; and

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in he addressed the audience in earse, contrasting what he deemed a peccadillo with his fidelity to his Prince; and drew tears from all who understood him. Where were the generosity, where the clemency of the judge and jury, when this man was not recommended to mercy? But the fault was not theirs. The complexion of the times rendered such recommendation dangerous. As the prisoner's manner was insolent, one of the judges expressed pity for him, as having no sense of his guilt, no behaviour suitable to his unhappy situation; he replied, 'Pity me, my Lords! No.—You and all present are more to be pitied.—You are all under sentence of death; but you have not my advantage, to know the hour of your execution.' The Counsel for the crown, who is now upon the bench, exerted in vain his endeavours to procure him a pardon.

* Register of the General Assembly, MS. A. D. 1746.; Scots Mag. v. 8. p. 230.

in some * of them, the miserable families perished in the flames. The cattle were every where taken away, and brought to the Duke's army, sometimes to the amount of 2000 in a drove. Every species of provision was carried off; so that many who were not consumed by fire nor sword, perished by famine. Upon Lord George Sackville's pitching his tent between Fort Augustus and Badenoch, whenever the smook appeared, children flocked in crowds, and greedily licked up the blood, and devoured the dung, which fell from the entrails of the slaughtered cattle. The officers, touched with compassion at a sight so shocking to humanity, made the soldiers raise huts for the children, where the officers supplied them till the camp was removed, giving them the bread which they themselves should have eat.

While these things were transacted in the field, the cabinet and the courts of justice were not unemployed. An act of attainder of high treason†, was passed against three lords and forty gentlemen. The Earl of Kilmarnock, the Lords Lovat and Balmerino, and the titular Earl of Derwentwater, were beheaded. Upwards of seventy gentlemen, and persons of inferior rank, were drawn, hanged, and quartered; besides those who were hanged without trial in the north. About a *thousand were transported to America*; and forfeitures took place to a considerable amount; so that, (at least since the contest between the houses of York and Lancaster) no such scene of blood and proscription had ever followed any rebellion in Britain.

Among the unhappy sufferers, the fate of the titular Earl of Derwentwater, and that of Doctor Archibald Cameron, brother to the Laird of Lochiel, were particularly severe. The former had been engaged in the rebellion 1715, as well as his elder brother the Earl of Derwentwater. Both were condemned; the former escaped, the latter was beheaded. From that time the titular Earl had never set foot in the British empire, till at the distance of thirty years. He was taken at sea, on board a French vessel; and, being brought to London,

* Scots Magazine, v. 8. p. 285. 287. 288.

† Geo. II. an. 19. c. 26.

London, was, upon a proof of his identity, ordered for execution. Dr Cameron had been concerned in the rebellion 1745. He had never been apprehended nor brought to trial; but an act of attainder of high-treason had passed against him, as well as many others, A. D. 1746. His brother Lochiel being dead, Dr Cameron came to Scotland, A. D. 1753, to take charge of some pitiful remainder of estate, belonging to the orphans his nephews. He was apprehended, carried to the Tower of London; sentence of death was passed upon him, on his admitting himself to be the person mentioned in the act of attainder. He was denied the use of pen, ink, and paper. His wife, upon her first attempt to deliver to the King a petition, in behalf of her unfortunate husband, was incapacitated by falling into a fainting fit; but, having afterwards presented petitions to the King and royal family, she was shut up along with her husband, that the King and nobility might not be disturbed with further intercessions. Doctor Cameron himself was dragged on a sledge to Tyburn, where he behaved with magnanimity and resignation, was hanged, his head cut off, his heart torn out and burned*.

Among the most singular trials consequent upon the rebellion, was that of Archibald Stewart, Esq; (Lord Provost of the city of Edinburgh, when the rebels entered it) for ‘neglect of duty, misbehaviour in public office, and violation of the trust and duty of his office.’

Mr

* The historian of his own times, or of times lately remote, which have not been described by former writers, must necessarily be *his own voucher*. Nor does this give opportunity for an erroneous representation of facts, since the matters treated of being recent, it is in the power of innumerable living witnesses to expose and contradict any misrepresentation. It is clear, that the authors of the periodical publications, after the extinction of the rebellion, *durst not* exaggerate the severities of government: Besides, they gave an account of matters which were for the most part notorious. But we have not rested upon their authority; where authentic records could be obtained, we had recourse to them: where they could not, we only adopted such narratives as we were completely satisfied to be true, from the corroborating testimonies of persons of unquestionable veracity, and respectable character, by whom we have been favoured with information of some particulars concerning the rebellion, not formerly published. London Mag. v. 15. p. 358. 369. 370. 408. 423. 532. 545. 589. 643. vol. 16. p. 108. 155. 242. Scots Mag. vol. 15. p. 157. 250. 657.

1746. Mr Stewart went to London in November 1745. Immediately upon * his arrival, he sent notice of it to one of the secretary's of state. He underwent a long examination before the cabinet-council, and was committed to custody; from which he was liberated upon the 23d January 1746, after finding bail to the extent of L. 15000, to appear before the court of justiciary at Edinburgh.

Whether it was that government thought Provost Stewart really culpable in not holding out the extensive and crazy walls of Edinburgh against a victorious army, in opposition to the inclination of the inhabitants; or whether they meant to intimidate the disaffected, by the strictness of their proceedings, we shall not determine. Provost Stewart was brought to trial; and the court 'found it re-
 Aug. 6. 'levant to infer the pains of law, that the pannel †, at the ‡ time
 'and place libelled, being then Lord Provost of the city of Edin-
 'burgh, wilfully neglected to pursue, or wilfully opposed or ob-
 'structed, when proposed by others, such measures as were proper
 'or necessary for the defence of the city against the rebels, in the
 'instances libelled, or so much of them as do amount to such wilful
 'neglect.' After various procedure, the court and jury being met, began to examine witnesses on the morning of the 27th of October; and, after the longest trial recorded in the books of justiciary, the
 Nov. 2. jury, on the 2d of November, returned their verdict, unanimously finding the prisoner not guilty ||.

From this trial certain incidents originated, expressive of the tyranny which the ruling party exerted over the country. An article appeared

* Scots Magazine, v. 7. p. 585. v. 9. p. 327. 328. † Pannel is a term in the Scots law, denoting a person who is undergoing a criminal trial. ‡ Records of justiciary, 27th October, 2d November, 1747.

|| The court and jury met on the morning of Tuesday 27th October. About one of the morning of Thursday the 29th, the jury prayed for a delay of the trial, on account of their utter incapability to finish it without a respite. The court allowed them to retire till eleven of the forenoon, on consent of the parties, then to return under penalty of L. 500 each. They came back accordingly, and pronounced their verdict upon the evening of Saturday the 21st, which they returned on Monday the 2d of November, having sat in whole ninety-four hours.

appeared in the news-papers, setting forth, that some of the most considerable inhabitants of Edinburgh, willing to pay a small acknowledgment of their gratitude to their late Lord Provost and worthy representative in parliament, for the services done by him to the city, had resolved to congratulate him upon this occasion of his character and conduct being vindicated, by the unanimous voice of his country. For this purpose, they invited Provost Stewart's well-wishers to meet them next evening in Baxter's hall.

The Scottish rulers taking umbrage at this mark of exultation, or conceiving apprehensions from the meeting, resolved to prevent it. A consultation was held between the Lord Justice-clerk, the Commander of the forces, and the Lord Provost of Edinburgh; the result of their deliberations may be collected from the following article which appeared in the news-papers. After informing the public that there had been a meeting of people in *the Duke's head-tavern*, to commemorate the birth-day of King William, *so numerous that the house could not contain them*; it is added, the intended meeting of Provost Stewart's friends did not hold. The reason of it is subjoined: 'The Lord Provost was advised that he might lawfully forbid such a meeting, and declared his resolution not to suffer it; and we are informed, that Mr Stewart and his friends laid aside the design*.'

Previous to the trial of Provost Stewart, a species of triumph had been exhibited at Edinburgh, which displayed, in no brilliant characters, the magnanimity nor modesty of the victor †. Fourteen of the Pretender's standards were brought to Edinburgh; and, by the Duke of Cumberland's command, those banners which had spread terror over great part of the island, were burnt with every ‡ mark of contempt and ignominy.

The

* Caledonian Mercury, No. 4222. 4223.; Edin. Courant, 3d and 5th November 1747. For another incident that originated from Provost Stewart's trial, see Book III. Chap. IV. † London Magazine, v. 15. p. 314. 1746, June 4.

‡ The heralds, trumpeters, &c. escorted the common executioner, who carried the Pre-

The court seem to have entertained a jealousy of the unfurmountable aversion of the Highlanders to the established government, and thence to have embraced a resolution to crush their spirit, and exterminate their power. Besides the considerable estates in the Highlands which were forfeited and annexed to the crown, important laws were established, which entirely altered the civil constitution of the country. Not only the nobility, but the chieftains and proprietors of antient estates, possessed a jurisdiction over their vassals, and all within their territories, in causes both civil and criminal. These estates were called *Baronies**; and, in those of considerable note, the royal charter erecting and vesting them generally extended the criminal jurisdiction to the power over life. By the feudal law, the vassals were obliged to follow their Lords into the field. By the clanships which prevailed in the Highlands, these vassals were, for the most part, of the same name and blood with their Lord; *their names* perpetuating the memory of their descent, and exciting the most passionate attachment to their chief. Thus, a fabric was reared of the most solid and dangerous aristocracy. The barons, by their possessions, could indulge themselves in a hospitality which was extremely acceptable to their vassals. By clanship, they were the object of their vassal's affection. Their powerful jurisdiction, joined to their distinguished rank, impressed their dependants with reverential awe; and the feudal tenures and customs required them to follow the standard of their Lord.

A system such as this was adverse to civilization of manners, and inconsistent with a regular submission to the established government. Cromwell, whose extensive views and profound judgment swayed with harmony and glory an empire of which he was the usurper; an

tender's colours, and thirteen chimney-sweepers who carried the rest of the colours, from the castle to the cross. There they were burnt, one by one, an herald always proclaiming the names of the commanders to whom the respective colours belonged.

* *Baro dicitur, qui gladii potestatem habet, id est, imperium merum; apud nos furcae et fossae nomine significamus. Craig, De feudis, lib. 1. dieg. 12. sec. 16.*

an empire whose legal monarchs, when misled by distracted and pernicious counsels, have sometimes let drop from the pinnacle of glory to the brink of destruction, perceived the incompatibility of this system with a regular government, and abolished it. It was replaced at the restoration; and one of the fortunate circumstances which flowed from the suppression of the late rebellion, was the obvious political expediency of abolishing the *heritable jurisdictions*. Accordingly, (except the office of Lord High Constable), they were* all abolished; and the subjects, instead of resorting to the courts of their respective superiors, were obliged to sue for justice before the inferior judges appointed by the King. The Lords of justiciary were at the same time appointed to hold, twice in the year, circuit-courts, through the different quarters of the kingdom, for taking cognisance of the deeper trespasses against the criminal jurisprudence.

But on that statute is exhausted all the applause we can bestow upon the measures of government, after the extinction of the late rebellion. Had the nation been subjected to a foreign yoke, it is difficult to conceive that more rigorous laws could have been imposed upon the vanquished people, than the other statutes enacted upon this occasion. These chiefly respected arms, dress, and religion.

An act which had been passed in the reign of George I. disarming all the northern counties, an act which breathed a jealousy that could not fail to irritate the objects of suspicion, was renewed with additional severities. No person was allowed to bear, or have arms † in his possession, unless he was possessed of a freehold qualification, entitling him to be elected into parliament. It was provided, that even such qualified persons should not be allowed to keep more than two muskets, two pair of pistols, and two swords. Persons having warrant from the King, or the Lord Lieutenants ‡ of the disarmed

F f counties,

* Stat. Georgii II. anno 20. cap. 43.

† Stat. Geo. I. an. 1. cap. 54. Geo. II.

an. 19. c. 39.

‡ This statute was passed before the act abolishing the heritable

jurisdictions.

counties, were authorised, in their search for arms, to enter houses by night or day, and in case of opposition, were indemnified for any slaughter they should commit upon the occasion.

The statute even descended to the article of dress. From a perusal of this act, one would be led to conclude, that the government trembled at the figure of tartan, or shape of a philibeg. The garb which the Caledonians had worn from the earliest ages of their nation; the garb to which they were attached by the affection which is natural towards the peculiarities of one's native country, and for the objects to which one has been habituated from his earliest years, was prohibited, both as to *stuff and shape*, and, of course, a stop put to almost the only species of manufacture in the country. To wear a philibeg, of any sort, or a coat, or great coat, made of tartan, subjected the wearer, whether *man or boy, upon being convicted by the oath of one witness, before any justice of peace, to imprisonment, without bail, for six months. But, for the second offence, to banishment, for seven years, to any of the foreign plantations.*

By the same statute, it was provided, that no person should teach *English, Latin*, or any part of literature, in private schools, or as chaplain or tutor in any family, unless, in the first case, he had entered the situation and description of his school in a public register, and, in both cases, had taken the oaths to government. In either case, the schoolmaster, or chaplain, as well as the parents of the children so put to school, were subjected to rigorous penalties.

In all the counties beyond the Tay, a vast majority of the nobility and gentry were of the episcopal, or popish persuasions; and many among the commonality adhered to the one or other of these religions. Even in the county of Fife, which, in the reign of Charles II. and of his brother, was deemed fanatic, a great majority of the gentry were of the episcopal communion.

As for popery, the laws which were enacted against it at the reformation, were, from time to time, renewed with increasing rigour, (though perhaps dictated by political necessity), till they arrived

rived at a most sanguinary pitch of persecution. Those who celebrated, or heard mass, were subjected * to a capital punishment. Not to disclaim popery upon oath, subjected the recusant to banishment. A premium was appointed by law for informers; and papists were declared incapable of succeeding to, or purchasing any heritable property whatever.

By another law, the exercise of the episcopal religion was, in effect, debarred from all who entertained, in their breast, a favourable notion of the right of succession in the house of Stuart. For, to prohibit a religion absolutely, and to make a solemn profession of certain political tenets an indispensable requisite to the exercise of it, are, to all those who do not acknowledge those political tenets, in effect, precisely the same. Previous to the rebellion 1745, episcopal meeting-houses were tolerated. Those who frequented them were not harassed with the imposition of oaths, or otherwise; and so little were they obnoxious, that there are instances, in certain of the northern boroughs, of the Magistrates having gone to them distinguished with the ensigns of office. An act was passed, commanding all episcopal clergymen, at every time they celebrated worship before more than five people, to pray for the King and royal family by name, as directed in the liturgy. Transgressions against this statute subjected the clergyman †, for the first offence, to imprisonment for six months; for the second, to banishment during life to America. The hearers, besides being disqualified from voting in the election of parliamentary representatives, were, for the first offence, subjected to a penalty of five pounds; but, for the second, to imprisonment for six months. This was an exertion of tyranny over the mind which even Charles II. did not prescribe to the covenanters. Many clergymen were accordingly thrown into jail. Indeed, upon the first extinction of the rebellion, legal severities against nonjuring episcopals were quite unnecessary, the soldiery and the mob burning their meeting-houses, and those of the papists; and harassing the episcopal clergymen so severely, that

F f 2

none

* Kaims's statute law abridged, *vide* Papist.

† Geo. II. an 19. cap. 38.

none of them durst live in their own houses for a twelvemonth after the rebellion. Even so late as the year 1755, an episcopal clergyman * was prosecuted at the instance of the Lord Advocate upon this statute, and upon an act of Charles II. against clandestine marriages †, and banished for life.

* * * * *

This rebellion, however, was in many respects fortunate for Scotland. It annihilated the contest for the throne, urged between the possessor, invested by the authority of parliament, and the house of Stuart, claiming in virtue of hereditary right. Besides the happy effects

* Records of the western circuit court of justiciary, 10th and 11th April 1755; Scots magazine, v. 17. p. 207. 209.

† This last statute was wrested in a manner singularly gross and infamous, in order to accomplish this poor man's destruction. He was first imprisoned upon the act for prohibiting episcopal ministers from celebrating public worship, without praying for the King. But, as it occurred to the Lord Advocate, that he could bring him to more condign punishment, upon the statute against clandestine marriages, he served him with an indictment for transgressing it. This statute had been established directly with a view to support episcopacy against sectaries; then to turn it as an engine of destruction against that religion which it was meant to protect, was totally inverting its sense. But all the acts in favour of episcopacy had been abolished by William and Mary, parl. 1. sess. 1. c. 5. this consequently among the number. Further, episcopacy behoved either to be the established religion, nor not. If it was the established religion, the priest could not be condemned as unqualified to celebrate marriage. If it was not the established religion, then it behoved to be ranked among the sects of nonconformity; now, all laws against nonconformists were repealed by act 1690. c. 27. Further, all sorts of sectaries had been in use to have their marriages celebrated without challenge, by their respective ministers. Nay, it is the notorious law of Scotland at this hour, that any civil magistrate may pronounce a legal marriage; nay, that the ceremony of marriage is totally unnecessary to its validity. All these, notwithstanding, although urged by the counsel ** for the prisoner, such were the completion of the times, such the public prosecutor, such the judges, and such the jury who were intimidated and dictated to by the judges, that this unfortunate man was sentenced to perpetual banishment. We cannot, without indignation, pass by such a scene of iniquity; and without putting juries in mind, that compliance to the dictates of corrupt judges, is the most mortal stab that can be given to the lives and properties of British subjects.

** Sir John Dalrymple, Baronet, Baron of Exchequer.

effects which behoved to flow from the abolition of heritable jurisdictions, the erecting of fortifications in the Highlands, with the garrisons which it behoved necessarily to be residing in, or marching through the country, would gradually diminish that antipathy which is conceived against every people but themselves, so common to those who have little intercourse with strangers. As the government has hardly ever drawn any rent from the estates which were forfeited, and annexed to the crown, but generally ordered the produce of these lands to be applied to the cultivation of the estates, agriculture is improved. But the progress in this article is by no means suitable to the expence of government, whose good intentions are in a great measure frustrated by the shameful jobbing and speculation of the factors upon the annexed estates. The money also which came down to pay the royal army, and the French gold which was sent over for the use of the Pretender, occasioned a considerable influx of wealth into the country.

But the time was drawing nigh, when government was to drop her jealous and barbarous policy; when she was no longer to betray a suspicious dread of her own sons. The Earl of Chatham arose, and with him the glory of Britain. He stepped forth with a generous confidence, and courted the affections and services of a people who, since the revolution, had uniformly been neglected or oppressed. He wished to convert the deadly foe which rankled in the bosom, into one of the most active and vital supports of the constitution. The event justified his admirable policy. In the plains of Germany, and wilds of America, the hardy mountaineers, led on by the sons of those gallant persons who perished in England by the hands of the executioner, have testified, by a fortitude of mind correspondent to the vigour of their constitution, that, either in foreign wars, or civil dissensions, the sons of the North are as good soldiers and loyal subjects as any in the British empire.

To avoid interrupting the detail of national affairs, we postponed to mention, in its chronological place, an event resulting from the rebellion,

bellion, which annihilated, for a time, the existence of the city of Edinburgh, as a body corporate. The time appointed for making the annual election of magistrates and council, having happened when the town was under the power of the Pretender, those concerned were so intimidated, that they did not proceed to make the election. The magistracy and council were exauctorated, by the lapse of time for which they were chosen to serve. Thus from Michaelmas 1745, Edinburgh was devoid of any civil government.

Application having been made to the King for restoring its civil government to the town, his Majesty was pleased to grant the citizens their request, by issuing an order for their making a poll-election. Agreeably to this order, the incorporations assembled at their usual place of meeting, and chose their deacons. Public notice was then given, that the election of the magistrates, and others of the ordinary council of twenty-five *, was to proceed. Persons claiming to vote, were ordered to lodge their burghs-tickets, at least three days previous to the election, with the city-clerks, who were appointed to officiate at the poll. The burghesses polled in the order that they presented themselves. It was demanded, if any body had objections to offer against their right to vote; and, upon these being stated, if the case was clear, the overseers admitted or rejected their suffrages immediately; but, if dubious, they were admitted to poll in the mean time, and the objections to their votes were marked, that they might be examined in the end, in case such contested votes should have any influence on the election. The voters then gave in lists of the twenty-five persons whom they named as magistrates, and other members of the ordinary council; these were indorsed by the overseers, to be afterwards examined at summing up the poll. It was begun to be taken on the 24th, and ended on the 26th November, after intimation being made, that the poll was to be concluded; and the persons present being asked, if they had any objections to its being

Nov. 24.
1746.

Nov. 28.

* Council reg. v. 66. 3d January 1747.; Maitland's hist. p. 131.

being finished, the overseers adjourned the meeting till the 28th, 1746. against which day they declared they would name the persons chosen by the poll, which they did accordingly; persons named by the objectors having, in the mean time, been allowed to inspect the burghs-tickets, and give in their objections.

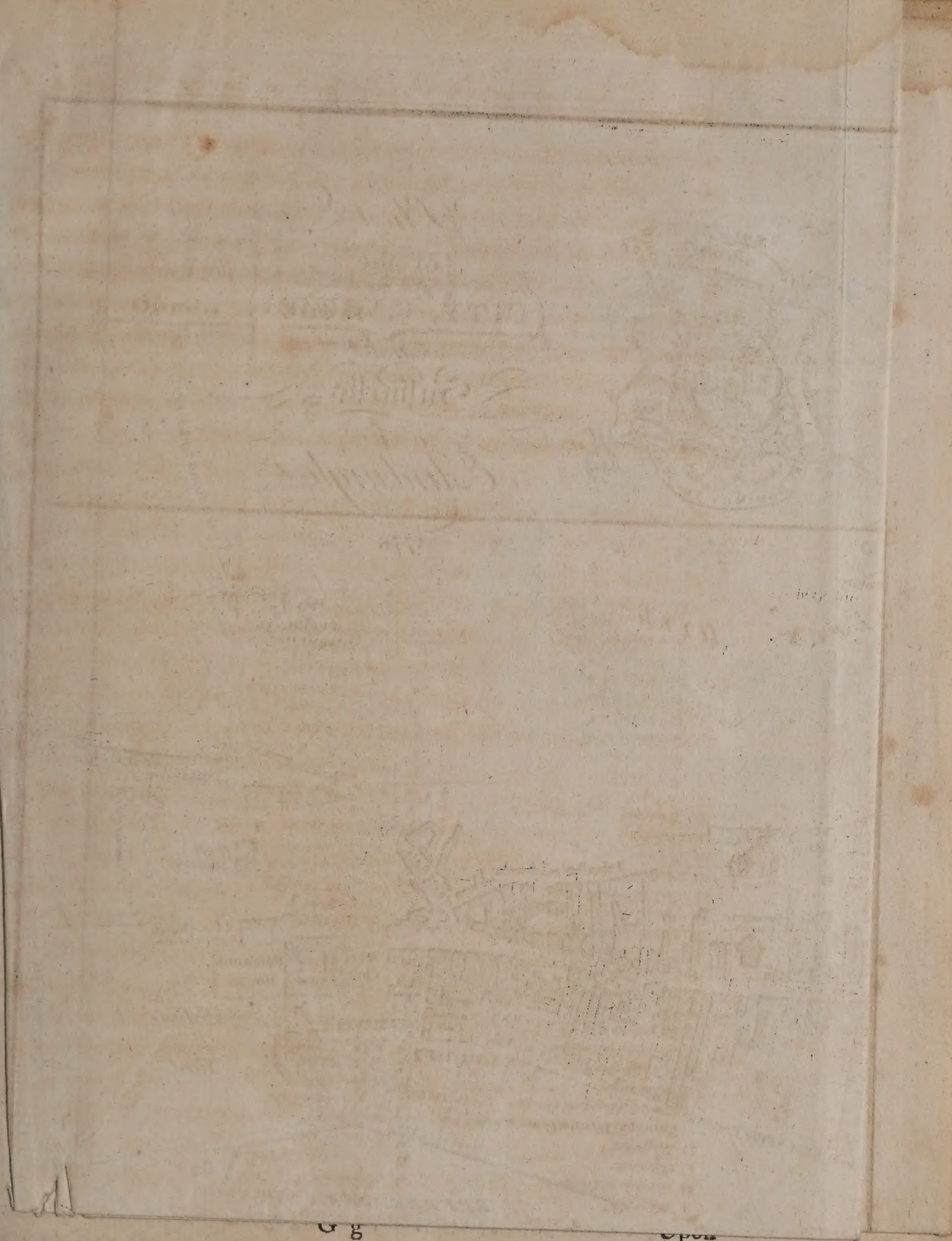
The overseers of the poll having returned to the court, a certificate of the election having been regularly made, conform to the warrant issued for that purpose, the election was confirmed on the 17th of December; and, on the 3d of January following, the council 1747. met for the first time after the state of anarchy which had, for some time, prevailed in the city.

At this meeting, the members took the government-oaths, and also those prescribed by the acts of council, 5th October 1658, 4th March 1673, and 1st October 1678, 'That no provost, dean of guild, or treasurer, should be continued in office more than two years successively; nor bailie more than one.' They afterwards addressed his Majesty upon the suppression of the rebellion, and ordered the freedom of the city to be presented in a gold box to the Duke of Cumberland, to whom they paid abundance of fulsome and absurd compliments upon the occasion.

The spirit of the citizens of Edinburgh, expanded by the tide of liberality, which flowed through the nation, in consequence of a successful war, and honourable peace, displayed itself in the extension of the city, and in carrying on works of public utility and domestic convenience. The improvement of the city became the object of general attention, and of parliamentary encouragement. Pamphlets were published, plans delineated, national subscriptions opened, and the authority of parliament interposed, to promote and execute the laudable spirit of improvement, which displayed itself to the honour of the country. When the flattering prospect was over- 1778. cast; when the internal commotions of the empire had been productive of difficulties and disgraces, which prognosticated more fatal calamities; when the feeble, or misguided arm of the parent state, had

had discovered its impotency to quell the disobedience of the colonies, Edinburgh retained her spirit. Anxious to support the constitutional connection between the mother-country and her colonies, the citizens of Edinburgh, in January 1778, made an offer to the King, to raise a thousand men for the support of government, which his Majesty graciously accepted. The patronage and liberal subscription of the body-corporate of Edinburgh, of Sir Laurence Dundas, the city's representative, of the individual members of council, and of the citizens at large, aided by the general zeal in support of government, compleated the regiment in four months.

BOOK II.



Plan
of the
CITY, CASTLE
and
Suburbs
OF
Edinburgh.
1778.



REFERENCES.

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| <p>Castle.</p> <p>A Magazine</p> <p>B Governor's House</p> <p>C Barracks</p> <p>D Hospital</p> <p>Principal Wynds, Courts, Closets, &c.</p> <p>1 Heriot's Hospital Bridge</p> <p>2 Mill's Court</p> <p>3 James's Court</p> <p>4 Bank of Scotland</p> <p>5 Liberton's Wynd</p> <p>6 Forrester's Wynd</p> <p>7 Paterson's Court</p> <p>8 Writers' Court</p> <p>9 Royal Exchange</p> <p>10 General Post Office</p> <p>11 Royal Bank of Scotland</p> <p>12 Old Assembly Cloys</p> <p>13 James's Cloys</p> <p>14 Horse Wynd</p> <p>15 Society</p> <p>16 Allison's Square</p> <p>17 College Wynd</p> <p>18 Bell's Wynd</p> <p>19 Milne's Square</p> <p>20 Carrubers' Cloys</p> <p>21 Niddry's Wynd</p> <p>22 Dickson's Cloys</p> <p>23 Black Friars Wynd</p> <p>24 Mint</p> <p>25 High School Wynd</p> <p>26 Chisholm's Court</p> <p>27 Shoe Makers' Cloys</p> | <p>28 Can. Tolbooth Wynd</p> <p>Public Buildings, &c.</p> <p>A Reservoir</p> <p>B Earle Meeting House</p> <p>C Weigh House</p> <p>D Corn Market</p> <p>E Magdalen Chapel</p> <p>F Tax Office</p> <p>G Meal Market</p> <p>H Parliament House</p> <p>I Tolbooth</p> <p>K St. Giles</p> <p>L Custom House</p> <p>M Flesh Market</p> <p>N Town Church</p> <p>O Fish Market</p> <p>P Poultry Market</p> <p>Q New Fish Market</p> <p>R Episcopal Chapel</p> <p>S Lady Easers' Church</p> <p>T Trades' Hospital</p> <p>U Correction House & Bethlem</p> <p>V Relief Meeting House</p> <p>W Buzers' Meeting House</p> <p>X Anderson's Meeting House</p> <p>Y St. Cath. Chapel of Ease</p> <p>Z St. Mary's Chapel</p> <p>a Lady Glenorchy's Chapel</p> <p>b Trinity Hospital</p> <p>c Canongate Tolbooth</p> <p>d Canongate Charity Work House</p> <p>e Tinnen Hall</p> <p>• In the Plan, denote Wells</p> |
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B O O K II.

C H A P T E R I.

Of the Progress and present State of the City of Edinburgh.

THE city of Edinburgh is situated in fifty-five degrees, fifty-seven minutes of north latitude, and of longitude three degrees, fourteen minutes west from London. The ground upon which it is built is perhaps as singular, and in many respects inconvenient, as can well be figured. The Palace of Holyroodhouse, the eastmost boundary of the city, stands on a plain within two miles of the river Forth, from which it rises by a gradual ascent of ninety-four feet from the high water-mark. From Holyrood-house there begins the narrow point, or, if we may be allowed the expression, the tail of a hill, which gradually, extending itself in breadth, rises in a steep and straight ridge, from which its shelving sides decline; the ridge terminating in an abrupt precipice, the site of the castle, at the distance of a mile in length, and one hundred and eighty feet in height from Holyroodhouse.

The ridge of this hill forms a continued and very magnificent street. From its sides, lanes and alleys, which are there called *wynds and closes*, extend like slanting ribs; so that, upon the whole, it bears a striking resemblance to a turtle, of which the castle is the head, the high street the ridge of the back, the *wynds and closes* the shelving sides, and the palace of Holyroodhouse the tail.

The declivity of the hill upon the south is terminated by a level strip, on which the street called the *Cowgate* is built; thence the ground rises precipitately to the south, and terminates in a plain.

G g

Upon

Upon the north, the descent from the high-street is steeper, and more profound. It is bounded by an inconsiderable morass, which formerly being overflowed, formed a lake called the *North-loch*, from the north-side of which a bank rises, and spreads itself into a level field, constituting the area of the extended royalty.

It has been already observed, that, in the reign* of David II. the city of Edinburgh could not accommodate the numerous train
 1346. of nobility which accompanied the French ambassador. The continual incursions of the English, to which Edinburgh, an unfortified town, lay exposed, retarded its increase. But, by the middle of the fifteenth century, it had grown to such consideration, that James II. ordained the court † of the ‡ four boroughs to meet there alternately, in all time coming. That Prince first bestowed on the
 1450. community the privilege of fortifying || the city, and surrounding it with a wall. He, at the same time, empowered the Magistrates to levy from the inhabitants a tax proportioned to their possessions, to enable them to carry this work into execution.

By attending to the line of this wall, and of the extended walls, in succeeding periods, we shall be able to form a distinct idea of the progressive extension of the city of Edinburgh.

It must be observed, then, that, when the city was first fortified, the town-wall, upon the north, came no further east than opposite to, and almost directly § north from the present reservoir, or water-house, on the Castle-hill. Between that and the foot of Halkerston's wynd, the city was defended by the North-loch; thence to the foot of Leith-wynd, it does not appear how it was fortified, or that it was fortified at all. But, from the foot of Leith-wynd to the Netherbow-port, a continued range of houses on the west-side of the wynd, and, after these became ruinous**, a wall, erected in their stead, formed a fort of defence.

The

* Book i. c. 2. † Black on the privileges of royal boroughs, p. 175. ‡ The court which regulated matters concerning the utility of the different royal boroughs. The convention of royal boroughs is come in its place. || Maitland's history, p. 137.

§ Ibid. p. 138.

** James V. parl. 7. c. 102.

The original wall of the city of Edinburgh described itself in this line. It began at the foot of the north-east rock of the castle, and was there strengthened with a small fortrefs adjoining to the rock, the ruins of which, from its vicinity to a spring of water, are still known by the name of *Well-house-tower*. Thence the wall extended itself eastwards, having the North-loch upon its north, and the Castle-hill upon the south-sides, till it came almost opposite to the reservoir. There the wall took a southern direction, till it came to the top of the hill, where it was intersected by a gate of communication between the town and the castle. From this, the wall went sloping down the * hill in an oblique manner, pointing to the south-east, till it came to the first angle in going down the West-bow. Over this street, there was a port called the *Upper-bow-port*; and, upon the east-side of this street, at the distance of about six feet from the ground, one of the hooks, upon which the gate hung, still remain in the original wall.

From this port, the city-wall proceeded almost straight east, intersecting the present alleys leading from the High-street to the Cowgate, in a line that would have cut off some feet from the south-end of the present parliament-house, and continued in that direction till it came to Gray's, alias the Mint-close, where, upon the east-side of the close, nigher to the High-street than the Cowgate, a part of the town-wall is still to be seen. From this, it proceeded, by a gentle turning, to the northeast, till it joined with that house which forms a projection upon the north-side of the High street, which still is the *south-west corner house* of a line of buildings that communicate and connect themselves with Leith-wynd. There was the original Netherbow-port.

The citizens of Edinburgh, it seems, became extremely fond to have their houses without the royalty, a passion which still adheres to

* In Currie's close, an alley about the middle of the Castle-hill; a small remainder of this wall is still to be perceived on the west-side of the close. But some entire yards of it remain in a cellar presently belonging to Bailie William Trotter, lying in a close upon the west-side of the *Bow*.

to their successors. Accordingly, the town-wall was hardly built, ere a street, spacious for those times, sprung up, the Cowgate. We are informed by a writer of the sixteenth century, that * the nobility, the senators of the college of justice, and persons of the first distinction, then had their residence in the Cowgate. But the fatal overthrow on the field of Flowden, and the consternation with which it overwhelmed the citizens of Edinburgh, made those who had withdrawn beyond the royalty, extremely anxious to have a
 1513. fortified wall, to defend them from the incursions of the English.

The extended wall of the city of Edinburgh was, (except in the south-west quarter,) the same with that which now circumscribes the antient royalty. Its limits are obvious to the present inhabitants; yet it is necessary to describe them. This new wall, then, is built close to the castle, upon the south-east side of the rock. Thence it descends obliquely, till it comes to the West-port, from which it ascends part of the hill called the *High-riggs*, and turning eastwards, runs along the north-side of the gardens of Herriot's-hospital, and crossing the north avenue leading to that hospital, passes through the Grayfriars church-yard to Bristo-port. From Bristo-port, the wall runs east, till it is intersected by the Potterrow-port, from which it goes south for a few yards, then turning abruptly, winds its course on the south-side of the College, the Royal Infirmary, and High-school yards, till it comes to the Pleasance. There it takes a northern direction, and, after being intersected by the Cowgate-port, the inclosure is completed by the buildings on the west-side of St Mary's wynd, till they join the place where the Netherbow-port stood. The original Netherbow-port stood about fifty yards further west than the late one. But that situation being found
 1571. not well adapted for defence, a new one was built by the adherents of Queen Mary †; and the late handsome gate, which was built a
 1606. few years afterwards, intersected the High-street, immediately above

Leith

* Braun Agrippinensis de praeipuis totius universi urbibus, lib. 3. voce *Edenburgum*.

† Maitland's hist. p. 140.

Leith and St Mary's wynds. This port being thought to embarrass the street, was pulled down by the Magistrates A. D. 1764.

These are the walls which still surround the antient royalty, except on the south-west, where the magistrates * having purchased 1620. about ten acres of ground, the area which is at present occupied by Herriot's hospital, the Charity work-house, and part of the Grayfriars church-yard, inclosed it, by extending the wall in a circular line from the West-port to Bristo-port.

It has been already observed, that, in the original wall of the city of Edinburgh, there was, on the Castle-hill, a port of communication between the town and the castle, which, on the extension of the southern wall of the city, was removed; that there was another in the *upper, or west-bow*, which was pulled down in the memory of many people yet alive, and of which the vestiges are still to be seen; and a third about fifty yards above the head of the Canongate. Whether there were any other ports, or where they were, is less material than difficult to ascertain.

The ports of the extended walls are these: The WEST-PORT, so named from its being the western boundary of the royalty. It is situated at the foot of the Grass-market. Beyond it lies a suburb of the city of Edinburgh, and borough of regality, called Portsburgh. This port was built A. D. 1514.

Next to this, on the south-east, is a wicket struck out of the town-wall, A. D. 1744, almost straight south from St Giles's church, for the more commodious access to the citizens, and those of the Charity work-house, to the public walks in the meadows.

North-east from the wicket, a port, built A. D. 1515, divides the royalty from a suburb called Bristo-street, which gives to the gate the name of BRISTO-PORT. The suburbs, both here and in the neighbourhood of the Potterrow, have, of late, been greatly extended and improved; but of these more particularly afterwards.

The next outlet from the city to the suburbs, is the POTTERROW-PORT, situated at the head of the Horse-wynd. It originally bore the

* Maitland's hist. p. 139.

the name of *Kirk of Field-port*, from its vicinity to the church of St Mary in the field. It took its present name from a pottery in the neighbourhood.

North-east from this, stood a port which has been demolished since the middle of the last century *, called ST MARY-WYND PORT. This gate commanded the access to St Mary-wynd and the Canon-gate. It extended from east to west, across the foot of the Pleasance, immediately south from the Cowgate-port. Close to this gate stood the COWGATE-PORT, opening a communication from the Cowgate to St Mary-wynd, and so to the suburb called Pleasance.

North from the Cowgate, the NETHERBOW-PORT united the city wall from St Mary-wynd to Leith-wynd, separating the high street from the Canongate. This port, which was built A. D. 1606, was the principal entry to the city. This gate has been rendered remarkable, by a bill having passed the House of Lords, for razing it to the ground, when the city incurred the indignation of the court, on account of the *Porteous mob* †. The Netherbow-port was a handsome building, which went quite across the High-street, and joined with the houses on either side. The gate was in the centre of the building. It was strengthened by towers and battlements, on each side fronting the east, and through the southern tower there was a wicket for foot passengers. The whole building was two stories high; and there was a handsome spire in the centre. Upon the increase of wheel-carriages, the width of the passage was found unequal to the concourse of people who had occasion to pass that way; and, as the building was so crazy, that the gate could not admit of an enlargement, there was found to be a necessity for removing the whole. It was accordingly, by order of the town-council, pulled down A. D. 1764.

At the foot of Leith-wynd, that avenue to the city was guarded by a gate called LEITH-WYND PORT. Within it there was a wicket, which

* Gordon's map of Edinburgh 1646.

† See book i. c. 6.

which still remains, giving access to Trinity College-church. These, as well as a gate at the foot of Halkerston's-wynd, lately pulled down, were built about A. D. 1560. Another gate gave access to the Canongate from the east. It extended from St Thomas's hospital, (a building pulled down only last year), to the Tennis-court, which was burned down within these three years. This port is still known by the name of the WATERGATE.

The city, till within these few years, has occupied the same space of ground upwards of two hundred and fifty years; namely, the entire hill from the castle to the palace in length; and in breadth, upon the north, till the termination of the declivity by the north loch; but, upon the south, extending beyond the Cowgate to the top of the hill. In a description of the chief cities in the world, given about the middle of the sixteenth century, Edinburgh is said to be an Italian mile in length, and half a mile in breadth, which corresponds to the limits we have just described.

But this space was by no means occupied as it is at present. It came gradually to be more fully possessed, till the houses were crouded together, and piled to a height, perhaps not to be paralleled. Till the reformation, the burying ground of the city of Edinburgh extended from St Giles's-church, over the Parliament-square and back-stairs to the Cowgate. At that time, the lands to the south of the Cowgate, were mostly laid out in gardens belonging to the convent of Black Friars, and church of *St Mary in the Field*, which extended almost from the Pleasance to the Potterrow-port; and from Bristo to the West-port *, the ground was laid out in yards, belonging to the Gray Friars. The magistrates applied to, and obtained from Queen Mary, a grant of the Grayfriars-yards to be a burying ground, '*being somewhat distant from the town.*' This spot had, notwithstanding, been inclosed within the city-wall before that period.

It

* Council reg. v. 4. p. 41; Braun Agrippinensis, lib. 3. voce *Edenburgum*.

It appears, by the precautions appointed by James I. to be used against * fire, that houses within the borough were not then above twenty feet high, and that they were generally, if not universally, covered with thatch or broom. Even † so late as the year 1621, it was found necessary to prohibit those roofs by acts of parliament.

Till the reign of James V. the meal-market, nay, it would appear ‡, the flesh-market also, were held upon the High-street; and, till the end of the last century ||, a flesh-market was kept in the high-street of the Canongate, immediately below the Netherbow-port.

These, however, are not to be considered as arguing any comparative insignificance of the city of Edinburgh. They proceeded from the rudeness of the times. The writers of those days speak of Edinburgh in terms that show the respectable opinion they entertained of it. ‘In this city,’ (says a writer of the sixteenth century), ‘there are two spacious streets, of which the principal one, leading from the palace to the castle, is *paved with square stones*. The § city itself is not built of bricks, but of square free-stones; and so statelily is their appearance, that single houses may be compared to palaces. From the abbey to the castle, (continues our author), ‘there is a continued street, which, on both sides, contains a range of excellent houses; and the better sort are *built of hewn stone*.’ There are specimens of the building of the fifteenth century still remaining, particularly, a house on the south-side of the high street, immediately above Peebles-wynd, having ** a handsome front of hewn stone, and niches in the wall for the images of saints, which sufficiently justify our author’s description.

In all the old houses remaining in Edinburgh, it is to be remarked, that the superstition of the times had guarded each house with certain cabalistical characters, or talismans, engraved upon its front. These were generally composed of some text of scripture, of the
name

* James I. parl. 4. c. 73. † James VI. parl. 23. c. 26. ‡ James V. parl. 7. c. 103.

|| Gordon’s map of Edinburgh, A. D. 1646. § Braun Agrippinensis, lib. 3. voce *Edenburgum*.

** This house was built about A. D. 1430. No private building in the city, of a modern date, is to be compared with it.

name of GOD, or perhaps of an emblematical representation of the resurrection. We shall here observe, that, in the front of a house on the south-side of the High-street, a little below Gray's close, there are, in beautiful antique workmanship, the heads of the Emperor Severus, and of his consort Julia. These are said to have been brought from a ruinous house on * the north-side of the street, and having become the property of a baker, he was pleased to convert them into an *Adam and Eve*. For this purpose, he fitted the heads in a stone, upon which these words are engraved in Gothic characters: '*In sudore † vultus tui vesceris pane A. D. 1621.*' Ever since, they have passed with the vulgar for our primeval parents.

In the middle of the last century, there was not a single court or square in Edinburgh; even the names were utterly unknown. The parliament-square is the oldest in the city; to it the inhabitants gave the name of *Parliament Close*. Milne's square, James's court, &c. are of a later date. Argyle's square, and Brown's square, have been built within these thirty years. They are the last improvements, in conveniency of building, of which any vacant space in the antient royalty could admit.

From confinement in space, as well as imitation of their old allies the French, (for the city of Paris seems to have been the model of Edinburgh), the houses were piled to an enormous height; some of them amounting to twelve stories. These were denominated *lands*. The access to the separate lodgings, in these huge piles, was by a common stair, exposed to every inconvenience arising from filth, steepness, darkness, and danger from fire. Such, in a good measure, is the situation of the *old town* at this hour.

H h

C H A P.

* Maitland's hist. p. 169.

† *Thou shalt earn thy bread with the sweat of thy brow.*

CHAPTER II.

OF Churches and Religious Houses in Edinburgh fallen into Decay—Church of St Mary in the Field, and Monastery of Black Friars.—Monastery of Gray Friars—Chapel and Hospital of St Mary Magdalene—Private Oratory of Mary of Lorraine—Chapel of Holyrood, and Hospital of Maison Dieu—St Mary's Chapel—Chapel and Convent of Cistercian Nuns, and Hospital of the Virgin Mary—Hospital of our Lady—Chapel of St Ninian—St Thomas's Hospital—Chapels of St Mary, of St Roque, and of St John the Baptist—Monastery of St Catherine of Sienna—Chapels of Knights Templars, of St Leonard and St Placentia—Monastery of the Holy Cross, or Holyroodhouse—Monastery of St Anthony, and Chapel and Hermitage of St Anthony—Church of Restalrig—Monastery of Carmelite Friars, and Hospital of Greenside—Of the Leprosy, the Plague, the Small-pox, and the Lues Venerea.

THE reformed, in the violence of their prejudices, have generally dwelt upon the pernicious tendency of the institutions of the Romish church, without allowing them the advantages which they undoubtedly possessed. We agree with the reformed, that many of these institutions gave encouragement to idleness, and, in their corruption, even promoted debauchery. But, at the same time, it must be allowed, that their general purpose was to promote learning, to afford relief to the distressed, and to encourage the exercise of piety, conform to the rites of their superstition. The lands which were ravished from them at the reformation, by the rapacious nobles, were applied to purposes far less beneficial to the community.

CHURCH OF ST MARY IN THE FIELD, AND MONASTERY OF
BLACK FRIARS.

The most considerable of the churches in Edinburgh that has fallen into decay, was *the collegiate church of St Mary in the Field*. This was a large and handsome building, in which a provost and ten prebendaries officiated. It was probably founded at the same time with the monastery of *Black Friars*, adjoining to it. This convent owed its institution to King Alexander II. in A. D. 1230. It was built nearly upon the same spot where the High-school presently stands. The church, again, stood upon the site of the College. These buildings, with the houses of the provost and prebendaries, and the gardens belonging to them, occupied the whole space on the south of the Cowgate, between the Pleasance and the Potterrow. The lane called *Black Friars wynd*, which took its name from this religious body, was also their property, bestowed on them by the same King. This monastery was antiently denominated * *Mansio Regis*, i. e. the King's dwelling-house, having been the residence of Alexander II. The church has been renowned, by that meeting of Scots ecclesiastics being held in it, which was summoned by Cardinal Bagimont, the papal nuncio, for ascertaining the amount of the church-benefices. This valuation, which is still known by the name of *Bagimont's roll*, was made the standard for taxing the Scots ecclesiastics at the court of Rome. The provost's house has been rendered infamous by the murder of King Henry. Another celebrated building belonging to the Black Friars, was an episcopal house of the Archbishop of St Andrews. The remains of it are still to be seen in the south-east corner house of Blackfriars-wynd.

This monastery was burned down A. D. 1528. It was hardly rebuilt at the reformation, when the ecclesiastics were stripped of all their possessions.

* Braun Agrippinensis, voce *Edenburgum*; Keith's catalogue, p. 269. 270.; Maitland's hist. p. 23. 29. 182. 356. 357.

possessions. The provost of the college sold his interest in the lands to the magistrates of Edinburgh, for the purpose of building a college. They afterwards obtained from Queen Mary, a gift of all the religious houses and chapels in the city of Edinburgh, with all the lands and revenues belonging to them in any part of the kingdom; and particularly the lands belonging to the Black Friars, for the purpose of building an hospital, and supporting their poor. The magistrates, conceiving that they might erect an hospital more advantageously elsewhere, obtained a charter from James VI. whereby they were not only indemnified for not building an hospital upon the Black Friars lands, but also were empowered to dispose upon them, and to apply the feu-duties, or purchase-money, towards building and endowing an hospital at *Trinity College-church*. The lands belonging of old to the church of St Mary in the Field, and monastery of Dominicans *, or Black Friars, are now principally occupied by the College, High-school, church of Lady Yester, Royal Infirmary, Surgeons-hall, and their respective environs.

MONASTERY OF GRAY FRIARS.

James I. who endeavoured, by salutary laws, and encouragement to learning, to civilize the nation, established the monastery of *Gray Friars*. For this purpose he wrote to the Franciscans of Cologne, in Germany, desiring them to send some of their brethren into Scotland, for the propagation of piety and learning. In conformity to the King's request †, they sent *Cornelius* of *Zuritch*, a man of reputation, and some others of their order. A house was prepared for their reception, so magnificent for the times, that the *friars*, in their humility and self-denial, declined to lodge in it; nor

* A small part of those religious buildings still remains, fronting the College wynd to the east. It is now converted into a brewery. Over the gate this motto is inscribed in Saxon characters, *Ave Maria, gratia plena, Dominus tecum.* † Keith's Cat. p. 275. Council reg. v. 4. p. 6.

nor was it without difficulty, that the repeated entreaties of the Bishop of St Andrews prevailed on them to accept such spacious accommodation. This monastery was situated on the south-side of the Grass-market, nearly opposite to the *West-bow*. Divinity and philosophy were constantly taught in it, till the demolition of the convent at the reformation. The Gray Friars were accommodated with spacious gardens, long since converted into a public cemetery.

CHAPEL AND HOSPITAL OF ST MARY MAGDALENE.

East from the convent of Gray Friars, there was an hospital called *Maison Dieu*; but the time and nature of the foundation cannot now be ascertained. By the beginning of the sixteenth century, it had become ruinous; for, about that time, a citizen of Edinburgh, of the name of Macqueen, erected, on the side of its ruins, a *chapel and hospital*, dedicated to *St Mary Magdalene*. This foundation was designed to accommodate a chaplain and seven poor men. It was endowed with a piteous annuity, payable out of certain lands; and the whole vested in trust, for these purposes, with the corporation of hammermen. The funds of this hospital are now applied towards the support of the poor of that corporation.

PRIVATE ORATORY OF MARY OF LORRAINE.

On the north side of the Castle-hill, in Blythe's close, is an old building which had been erected for a lodging-house, and private oratory for Mary of Lorraine, Queen Dowager of Scotland. Over the door are inscribed in Saxon characters, 'Laus et honor Deo,' and the cypher of *Maria Regina*. On the same side of the street, in Tod's close, there was another private oratory of a mean appearance: In both these, the baptismal fonts are still remaining. Nigh the Weigh-house, on the south side of that street, there is also a building which has been set apart for devotion. Another, adapted
to

to the same pious purpose, is to be found in Brown's close, on the north-side of the High-street, opposite to the Tolbooth. We doubt not, but that many more of the present dwelling-houses in Edinburgh, have formerly been consecrated to religious purposes; but to discover them would be much less material than difficult; for, at the revolution, the mob not only ransacked and despoiled the chapel royal, but also rifled the houses, and defaced the chapels of all the Papists in Edinburgh, and six miles round *.

CHAPEL OF HOLYROOD, AND HOSPITAL OF MAISON DIEU.

In the lower part of the Old Church-yard of St Giles, presently called the *Back-stairs*, stood the chapel of *Holyrood*, built in commemoration of Christ crucified. It was not demolished till the end of the sixteenth century. On the south-side † of the High-street, at the head of *Bell's-wynd*, there were an hospital and chapel, known by the name of *Maison Dieu*. We know not at what time, or by whom it was founded; but, at the reformation, it shared the common fate of Popish establishments in this country. It was converted into private property. This building is still entire; it goes by the name of the *Clam-shell Turnpike* ‡, from the figure of an escalop shell cut in stone over the door.

ST MARY'S CHAPEL.

About the middle of Niddry's-wynd, is a chapel founded by Elizabeth Countess of Ross, A. D. 1505, and dedicated to God, and the Virgin Mary *his mother*. Colvill of Easter Weemyss, and afterwards Richardfon

* Letter of Sir James Dick, formerly Lord Provost of Edinburgh, 13th December 1688, in possession of Sir Alexander Dick of Priestfield, Baronet. † Keith's Cat. p. 290. Council reg. v. 5. p. 156. 184. ‡ A *turnpike stair* is the term used in Edinburgh, and over all Scotland, to denote a stair, of which the steps are built in a spiral form, like a screen winding round the same axis, in opposition to straight flights of steps, which are called *scale stairs*.

Richardson of Smeaton, became proprietors and patrons of this religious foundation. About the year 1600, one James Chalmers, a macer before the Court of Session, acquired a right to this chapel; and, in A. D. 1618, the corporations of Wrights and Mafons, now known by the name of *the United Incorporations of Mary's Chapel*, purchased this * subject, which they still possess, and where they hold the meetings of the corporation.

CHAPEL AND CONVENT OF CISTERTIAN NUNS, AND HOSPITAL OF THE VIRGIN MARY.

Towards the head of St Mary-wynd, upon the west-side, there were a chapel and convent of Cistercian Nuns, and an hospital dedicated to the Virgin Mary. The time and author † of this foundation are also unknown. Its revenues were very small. The chaplain's salary, A. D. 1499, was but sixteen shillings and eight pence Sterling yearly, and the poor in the hospital were chiefly supported by voluntary contributions. No vestige of the building remains; but the street in which it was situated still retains its name.

HOSPITAL OF OUR LADY.

Thomas Spens Bishop of Aberdeen founded, A. D. 1479, an hospital in Leith-wynd, for the reception and entertainment of twelve poor men. This hospital was dedicated to the Virgin Mary, and bore the name of *the Hospital of our Lady*. It does not appear how these poor people were supported; for the yearly rents settled upon the hospital did not amount to twelve pounds Sterling. The town-council of Edinburgh having, at the reformation, become proprietors of this hospital, in consequence ‡ of Queen Mary's grant to them,
of

* Archives of the incorporation of Mary's Chapel. † Council reg. v. 1. 35;
Keith's Cat. p. 283. ‡ Council register, v. 5. p. 200. 201. v. 6. p. 190. 191. v. 13. p. 85. 86. 106. v. 14. p. 15; Maitland's hist. p. 468.

of all the religious houses, colleges, &c. in Edinburgh, converted this hospital, A. D. 1619, into a work-house, bestowing on it the name of *Paul's work*, which it still retains.

The council, at the same time, brought five men from Holland, to instruct indigent boys and girls, in this work-house, in the manufacture of coarse woollen stuffs. They also enlarged the hospital with additional buildings, for accommodating the manufactory. They furnished the poor children, whom they put to apprenticeship, with clothes and bedding, and paid the masters of the work thirteen pence and a third of a penny weekly, for the maintenance of each of the children, during the first year of their apprenticeship. This was considered as a very beneficial institution, and, accordingly, many well disposed people enriched it with donations. It seems, however, that the manufacture did not succeed, or that the town-council grew weary of encouraging it; for they converted it into a correction-house. They grew weary of this also; and, being resolved to rid themselves of a troublesome property, they sold it. Mr Macdowal, the present proprietor, carries on in it an extensive manufacture of broad cloths, hardly inferior to the English.

CHAPEL OF ST NINIAN.

North from the *Hospital of our Lady*, there was a chapel dedicated to St Ninian. The time and manner of its foundation and destruction are equally unknown. The under part of the building still remains. It is the nearest house to the register-office on the south-east, except the row of houses on the east-side of the Theatre. The lower storey was vaulted, and the vaults still remain. On these, a mean house, of a later date, has been superstructed, and the whole converted into a dwelling house. The baptismal font, which was there in danger of being destroyed, was this year, (1778), removed to the curious tower built at Dean Haugh, by Mr Walter Ross writer to the signet.

ST THOMAS'S HOSPITAL.

This hospital was founded in the reign of James V. by George Creighton bishop of Dunkeld. The building was immediately adjoining to the Water-gate upon the west. It was dedicated to God, the Virgin Mary, and all saints. Besides the motive of charity, another purpose of the institution was, that prayers might be put up for the soul of the founder, for that of the King of Scots, and those of sundry other persons mentioned in the institution. Special care too, was taken in allotting money for providing candles, to be lighted up during the anniversary mass of *requiem*, and the number and size of the tapers were fixed with a precision, which shows the importance in which these circumstances were held by the founder. The number of masses, *Pater nosters*, *ave Marias*, and *credo's*, to be said by the chaplains and beadsmen, is likewise distinctly ascertained.

The patronage of this hospital was vested by the founder in himself, and a certain series of heirs named by him. In A. D. 1617, this hospital was disposed of by the chaplains and beadsmen, with consent of the patron, to the bailies of the Canongate, to be used as an hospital for the poor of that district. At that time, it was rebuilt by its new proprietors, which appears from the following barbarous inscription and figures, over the entry to the hospital, viz.

' Help here the poor, as ze vald God did zou. Junii 19. 1617.'

Over this inscription are the figures of two cripples, an old man and woman, and above them the Canongate arms.

The magistrates of the Canongate, A. D. 1634, sold the patronage of this hospital to the kirk-session; still, however, to be applied to the same charitable purpose. Its revenues were, by degrees, entirely embezzled. In A. D. 1747, the building was converted into coach-houses; but, becoming ruinous, it was this year (1778) pulled

down, and rebuilt in the shape of private houses and private property.

CHAPELS OF ST MARY, OF ST ROQUE, AND OF ST JOHN THE BAPTIST.

There were a number of religious foundations in the parish of St Cuthberts. In the suburb of Portborough, there was a chapel dedicated to the Virgin Mary, the remains of which are still to be seen at the foot of the *Chapel-wynd*. In the west end of the borough-muir, there stood a large chapel, dedicated to St Roque, and round it there was a cemetery *, where those in Edinburgh, who died of the plague, were interred. The town-council, A. D. 1532, granted four acres of ground in the borough-muir to Sir John Young the chaplain, for which he was bound to keep the roof and windows of the chapel in repair ; but, agreeably to the general embezzlement of religious and charitable foundations which took place at the reformation, no services were performed, but the very church and church-yard converted into private property. The loss of this piece of ground is severely felt by the citizens, whose burying-ground, which lies within the city, is by no means adequate to the vast increase of the inhabitants. A considerable part of the walls of this † chapel is still standing. East from the chapel of St Roque, there was a chapel dedicated to St John the Baptist ; but we are not able to ascertain the time or manner of those religious foundations.

MONASTERY

* Maitland's hist. p. 172. 176.

† It is owing to the superstitious awe of the people, that one stone of this chapel has been left above another ; a superstition which, had it been more constant in its operations, might have checked the *tearing zeal* of reformation. About thirty years ago, the proprietor of this ground employed masons to pull down the walls of the chapel ; the scaffolding gave way ; the tradesmen were killed ; the accident was looked upon as a judgment against those who were demolishing the house of God. No entreaties nor bribes by the proprietor could prevail upon tradesmen to accomplish its demolition.

MONASTERY OF ST CATHERINE OF SIENNA.

South from the Meadow was a monastery of Dominican Nuns, founded by the Lady *St Clair of Roslin*, and dedicated to St Catherine of Sienna. At the reformation, the magistrates of Edinburgh seized upon the revenues * of the convent. The poor gentlewomen who had there been educated as nuns, who, sequestered from the world, spent their lives in devotion, within walls which they deemed sacred, were turned out upon the wide world; nor would the magistrates, till compelled by Queen Mary, allow the nuns a subsistence out of those very funds with which their own predecessors had endowed the convent. The neighbourhood of this monastery still retains its name, but corruptly, the vulgar having perverted *Sienna* into a phraseology suitable to themselves, *the Sheens*.

CHAPELS OF KNIGHTS TEMPLARS, OF ST LEONARD, AND ST PLACENTIA.

Opposite to the late monastery of *Sienna*, on the east side of Newington, there is a gentle eminence, vulgarly called *Mount Hooly*, a corruption of the *Holy Mount*, or *Mons sacer*. The place was so called, from a chapel of Knights Templars erected on it. As the knights of this order professed to defend the holy mount and sepulchre, and to protect pilgrims resorting to it, this branch of them, in commemoration of the grand object of their order, had bestowed on the site of their chapel the name of the *Holy mount*. In digging this ground some time ago, several bodies † were found there, buried cross-legged, and having swords by their sides.

On the east-side of the road to Dalkeith, there was a chapel and hospital dedicated to St Leonard. The lands belonging to this chapel were granted to the magistrates of the Canongate, by King James VI. for the support of St Thomas's hospital. The fate of that ho-

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spital,

* Council reg. vol. 4. p. 93. ; Keith's catalogue, p. 280.

† Maitland's hist. p. 176.

spital, and the embezzlement of its revenues, have already been mentioned. The land in this neighbourhood still bears the name of *St Leonard's-hill*. A part of this hill belongs to the Quakers, and is used by them as a burying ground. In another part of it, children who have died without receiving baptism, and men * who have fallen by their own hand, use to be interred.

Nigher to the city, about sixty yards from the south-east angle of the town-wall, on the west-side of the street, there was a priory of nuns dedicated to *St Mary of Placentia*. This street still bears, corruptly, the name of *Pleasants*. The time, and the authors of these religious foundations, are unknown.

MONASTERY OF THE HOLY-CROSS, OR HOLYROOD-HOUSE.

The Abbey of Holyrood-house was founded by King David I. A.D. 1128, and richly endowed. He bestowed on the canons-regular of St Augustine, the church of Edinburgh castle, and those of St Cuthberts, Corstorphine, and Libberton, in the county of Mid-Lothian, and of Airth in Stirlingshire. The priories of St Mary's Isle in Galloway, of Blantyre, in Clyddale, of Rowadill in Ross, and of Crufay, Oronsay, and Columsay, in the western isles, also belonged to them. King David granted to the canons the privilege of erecting a borough, between the town of Edinburgh and church of Holyrood-house, which still retains the name of *Canongate*, with a right to hold markets in it. He also gave them portions of land in different parts, with a most extensive jurisdiction, and right of trial by duel, and fire and water ordeal. He allotted them certain revenues

* ' Infantumque animae flentes in limine primo :

' Quos dulcis vitae exortis ; et ab ubere raptos,

' Abstulit atra dies, et funere merfit acerbo.'

' Proxima deinde tenent moesti loca, qui sibi letum

' Infantes peperere manu, lucemque perosi

' Projecere animas.'

VIRG.

revenues payable out of the exchequer, and out of other funds, with fishings, and the privilege of * erecting mills on the water of Leith; which, from the name of the body in which the privilege was vested, are still termed the *Canon-mills*.

Besides the grants already mentioned, various privileges were bestowed on this abbey, by succeeding sovereigns; so that it was deemed the most opulent religious foundation in Scotland. Its annual revenues, at the reformation, were four hundred and forty-two bolls of wheat, six hundred and forty bolls of bear, five hundred and sixty bolls of oats, *five hundred capons*, two dozen of hens, two dozen of salmon, twelve loads of salt, besides a number of swine, and about L. 250 Sterling in money.

At the reformation, the superiority of the Canongate, North Leith, and a part of the suburb of Pleasants, and barony of Broughton, was vested in the Earl of Roxburgh. The town-council of Edinburgh purchased these superiorities from the Earl, A. D. 1636, and obtained a charter of confirmation of the same from King Charles I. A. D. 1639.

The church of Holyrood-house suffered considerably when the English burned down the palace, upon their invasion † by sea, A. D. 1544. However, both church and palace were speedily repaired. At the restoration, King Charles having resolved to rebuild the palace, and, at the same time to give the church a compleat repair, ordered that it should ‡ be set apart as a chapel-royal, in all time coming, discharging it from being used as the parish-church of the Canongate, which it had hitherto been. It was accordingly fitted up in a very elegant manner. A throne was erected for the Sovereign, and twelve stalls for the knights of the order of the Thistle; but, as it was accommodated with an organ, and, as mass had been celebrated in it, in the reign of James VII. the populace giving vent

to

* City cartulary of Edinburgh, vol. 4. box 6. bundle 1. No. 1.; Keith's cat. p. 238.; Council reg. vol. 14. p. 390.; Maitland's hist. p. 148. † See lib. I. c. I. ‡ Records of privy council, No. 2. p. 649. 13th September 1672.

to their fury at the revolution, despoiled the ornaments of the inside of the church, leaving nothing but the bare walls. They even broke into the vault which had been used as the royal sepulchre, in which lay the bodies of King James V. of Magdalene of France, his first queen, of the Earl of Darnley, and others of the monarchs and royal family of Scotland. They broke open the lead coffins, carried off the lids, but left the rest. These walls, which could withstand the fury of a mob, have since been brought to the ground, through the extreme avarice or stupidity of an architect.

As the roof of the church was becoming ruinous, the Duke of Hamilton, *heritable* keeper of the palace, represented its condition to the Barons of Exchequer, and craved that it might be repaired. To this effect an architect and mason were consulted. The walls of the church were already upwards of six hundred years old, and were but in a crazy condition; yet did these men propose, instead of putting a slate roof on it, to cover it with flag-stones, to support which, a deal of stone-work would be necessary about the roof, and about which it would be difficult to follow and judge of the estimate of the architects. They accordingly gave in a plan and estimate of the work, amounting to L. 1003, which was * approved of by the Barons of Exchequer, 7th August 1758. The new roof soon injured the fabrick. A report was made to the Barons by another architect, in A. D. 1766, that the church would speedily become ruinous, if the new roof was not taken off, *as the walls had never been intended for so vast a load*. Nothing was done in consequence of this report, and the church fell on the 2d December 1768.

When we lately visited it, we saw, in the middle of the chapel, the broken shafts of the columns which had been borne down by the weight of the roof. Upon looking into the vaults, the doors of which were open, we found, that what had escaped the fury of the mob, at the revolution, became a prey to the rapacity of the mob, who

* Records of Exchequer.

who ranfacked the church after it fell. In A.D. 1776, we had feen the body of James V. and fome others, in their leaden coffins. The coffins were now ftolen. The head of Queen Magdalene, which was then entire, and even beautiful, and the fkull of Darnley, were alfo ftolen. His thigh-bones, however, ftill remain, and are proofs of the vaftnefs of his ftature. In the belfry, there are a marble monument and ftatue of Robert Lord Belhaven, who died A.D. 1639. The figure is reclining at full length, and the execution is mafterly, being inferior to few of the monuments in Weftminfter abbey. It has fuffered fomewhat by the fall of the church; part of the nofe is broke off, and fome joifts, which are hanging loofe in the belfry, threaten, in their fall, to demolifh it.

MONASTERY OF ST ANTHONY, AND CHAPEL AND HERMITAGE OF ST ANTHONY.

The local f Situations of the monaftery of the *Knights Templars of St Anthony*, and of the chapel, with the hermitage dedicated to the fame patron, were totally feparate and diftinct; yet we think proper to defcribe thofe religious foundations together. The former was * erected north-weft from the prefent church of South Leith, upon the weft-fide of the alley ftill denominated *St Anthony's-wynd*. There the fraternity had a church, church-yard, monaftery †, and gardens. Thefe, and all the lands belonging to this convent, were vefted by James VI. in the kirk-feffion of Leith, for endowing an hofpital founded by them A. D. 1614, called *King James's Hofpital*, on which the royal arms are ftill to be feen.

The

* Keith's Cat. p. 241.; Maitland's Hift. p. 489. 495.

† The feal of this convent is preferved in the library of the Faculty of Advocates. It bears the figure of St Anthony, in a hermit's mantle, with a book in one hand, and ftaff in the other; and, at his foot, a fow, with a bell about its neck. Over his head, there is a capital T, which, it feems, the brethren wore in blue cloth upon their black gowns. Round the feal, there is this infcription. ' S. COMMUNE PRECEPTORIÆ SANCTI ANTHONII PROPE LEICHT.' The account of this monaftery in Keith's Catalogue is, in many refpects, both erroneous and defective.

The chapel and hermitage of St Anthony were situated in the King's-park, on the north side of Arthur's seat. The spot was well adapted for an hermitage. Although in the neighbourhood of a populous city, it bore the appearance, and possessed the properties of a desert. Sequestered from the rest of mankind, the holy hermits might there dedicate their lives to devotion. The barrenness of the rock might teach them humility and mortification; the lofty site, and extensive prospect, would dispose the mind to contemplation; and, looking down upon the royal palace beneath, they might compare the tranquillity of their own situation, preparing their minds for the scene of everlasting serenity, which they expected hereafter, with the storms which assailed the court, amidst a tumultuous and barbarous people.

The cell of the hermitage yet remains. It is sixteen feet long, twelve broad, and eight high. The rock rises within two feet of the stone-arch which forms its roof; and, at the foot of the rock, flows a copious and pure stream, celebrated in an old Scottish ballad.

Nine yards east from the hermitage stood the chapel of St Anthony. This was a beautiful Gothick building, well suited to the rugged sublimity of the rock. It was forty-three feet long, eighteen broad, and eighteen high. At its west end, there was a tower of nineteen feet square, and, it is supposed, before its fall, about forty feet high. The doors, windows, and roof, were Gothick; but it has been greatly dilapidated within the author's remembrance; and, ere long, hardly a vestige of it will remain.

CHURCH OF RESTALRIG.

About a mile east from Edinburgh, in a hollow plain, stands the ruinous church of Restalrig. It was founded by James III. in honour of the Trinity, and the Virgin Mary, and was endowed by the two next succeeding Monarchs. James V. placed there a dean, nine prebendaries, and two singing boys. But, at the reformation, the

the general assembly, in their wisdom, ordered it to be demolished, as a * *monument of idolatry*. Notwithstanding this *superstitious* mandate of the general assembly, the remains of a beautiful Gothick window, in the east end of the church, and part of the walls, are yet standing. The cemetery around it is used as a burying-place, principally by Englishmen, and those of the episcopal communion. In the middle of the church-yard, there is a spacious vaulted mausoleum, of a circular figure, with yew trees growing on its top, which was originally the family vault of Logan of Restalrig. It afterwards became the property of the Lords of Balmerino, and presently belongs to the Earl of Moray. In this vault, there are the remains of persons who have been interred there some hundred years ago, particularly those of ‘*Lady Jonet Ker, Lady Restalrig, quha departed this life 17th May 1526.*’

MONASTERY OF CARMELITE FRIARS, AND HOSPITAL OF GREENSIDE.

A church and monastery of Carmelite Friars were founded by the Lord Provost and council of Edinburgh, and dedicated to the *Holy cross*, A. D. 1526. But, as these religious orders were suppressed at the reformation, this building was soon converted to another purpose, to an hospital † for persons afflicted with the leprosy, founded by John Robertson merchant in Edinburgh, A. D. 1591.

It is a curious, yet neglected object of disquisition, ‘*how certain diseases spring up and die away in different ages.*’ The frequency of the leprosy among the Jews is known to every one, and its loathsomeness and severity are pathetically described in the book of Job; but our ancestors, also, were much afflicted with the leprosy. It was by no means a disease peculiar to the poor, but equally visited the cottage and the palace. King Robert Bruce, who was said himself to have been afflicted with the leprosy, founded, near the

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* Book of the Universal Kirk, p. 3. † Keith's Cat. p. 279. ; Maitland's hist. p. 214.

town of Air, an hospital for persons labouring under that distemper. In the reign of James I. it was so general *, as to be the object of parliamentary regulation. At the institution of this hospital of Greenfide, seven lepers, all of them inhabitants of Edinburgh, were admitted in one day. The severity of the regulations which the magistrates appointed to be observed by those admitted into the hospital, segregating them from the rest of mankind, and commanding them to remain within its walls night and day, demonstrates the loathsome and infectious † nature of the distemper. It has been already observed, that the magistrates of Edinburgh, in consequence of a grant by King James III. vesting in them an ample jurisdiction and powers to make statutes and by-laws for the government of the borough, had assumed to themselves a most extravagant and tyrannical power, of declaring such offences to be capital as they conceived a particular aversion to. Accordingly, the lepers were discharged to go without the hospital, or to have its door open after sunset, *under pain of death*. That this might not be deemed an empty threatening, a gallows was erected at the gavel of the hospital for the immediate execution of offenders.

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* James I. parl. 7. c. 106. A. D. 1427.

† This distemper has been inconceivably dreadful among the Jews. It infected not only persons, but houses also. ‘ And he shall look on the plague, (of the leprosy), and behold if the plague be *in the walls of the house, with hollow strakes, greenish or reddish*, which in sight are lower than the wall; then shall the priest go out of the house, to the door of the house, and shut up the house seven days. And the priest shall come again the seventh day, and shall look; and behold, if the plague be spread into the walls of the house, then the priest shall command *that they take away the stones in which the plague is*, and they shall cast them into an unclean place without the city. And he shall cause the house to be scraped within round about; and they shall pour out the dust that they scrape off without the city, into an unclean place. And, if the plague come again, and break out in the house, after that he hath taken away the stones, and after he hath scraped the house, and after it is plastered, then the priest shall come and look, and behold, if the plague be spread in the house, *it is a fretting leprosy in the house: It is unclean*. And he shall break down the house,’ &c. Leviticus, c. xiv. v. 37. &c.

The frequency of this distemper is evinced from a regulation, making the being born in Edinburgh, or, at least, a residence there for seven years, an indispensable requisite to admission. Yet, it is now so totally worn out, that physicians of the first practice do not understand the nature of the disease, perhaps never met with an instance of it.

It will not be improper, in this place, to say a few words concerning some other distempers, which have worn out, or originated, during the aera of our history. The plague, which, in different periods, has raged, with various degrees of fury, through most countries of the world, and which was the sharpest scourge that ever visited the human race, frequently broke out in Edinburgh. But there has been no appearance of it in that city since A. D. 1645; yet the town was not nearly so crowded with inhabitants, at that period, as a hundred years later. Neither has the plague broke out in London since the great fire in that city A. D. 1666, nor, in so far as we know, in any part of the island. To what, then, is the expiry of these diseases to be attributed? To a change in the manner of living; to the improvement of agriculture, yielding a larger quantity of grain; and the cultivation of pasture, affording fresh meat in all seasons of the year; to the vast increase in the cultivation and consumption of vegetables; to a more frequent change * of linen; and to an increasing attention to cleanliness, both in person and lodging. Thus, in these articles, what is essential to elegance and luxury, is conducive to health.

If modern Europe, or, at least, this island, has been delivered from the plague and the leprosy, she has, at the same time, been visited with two distempers formerly unknown, and which have made great havock. Both these have been owing to accident; the one to a commerce with the Turks; the other to an intercourse with the natives of America. These distempers have abated of their original fury. For the first, the incomparable Lady Mary Wortley Montague

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introduced,

* The last Archbishop of Glasgow put on a clean shirt once a week.

introduced, from the country which gave us the disease, a remedy disarming it of all its terrors. A remedy so compleat, that we hesitate not in the least to pronounce those parents, who will not inoculate their children for the small-pox, accessory to their death. If the clergy would attend to the spirit of the religious institutions of the Old Testament, particularly to that of circumcision, and those of pollution * and purification, they would perceive them to have been dictated with a view to health, adapted to the natives and the climate. Thence they would discover it to be their duty, to inculcate upon their flocks, habits conducive to health, and particularly the *practice of inoculation*.

When the disease communicated to the Europeans, in the discovery of the new world, spread into Scotland, it was believed to be highly contagious. The privy council sent the magistrates of Edinburgh the following order respecting persons afflicted with that distemper: ‘ That all manner of persons being within the freedom of this burgh, who are infected of the said *contagious plague*, called the *Grandgore*, devoid, rid, and pass furth of this town, and compeer upon the sands of Leith, at ten hours before noon, and there shall have and find boats ready in the harbour, ordered to them by † the officers of this burgh, readily furnished, with victuals, to have them to the *Inch*, (Island of Inchkeith), and there to remain till God provide for their health. And that all other persons who take upon them to heal the said contagious infirmity, and take the care thereof, that they devoid and pass with them; so that none of those persons who take the cure upon them, use the same cure within this burgh.’ The penalty of contravention, either by the diseased, or their physicians, was burning on the cheek.

CHAPTER III.

* See Leviticus, c. xv.

† Council reg. vol. 1. p. 33. 22. Sept. 1497.

C H A P T E R III.

Of the present Religious Establishment of Edinburgh—Of St Giles's Church—The Old Church—The Tolbooth Church—Haddow's Hole Church—Trinity College Church—Old Gray Friars Church—New Gray Friars Church—The Burying Ground—Tron Church—Lady Yester's Church—Canongate Church—Church of St Cuthbert's—Chapel of Ease—Lady Glenorchy's Chapel—Earle Church—The English Chapel—Popish Chapel.

THE city of Edinburgh was originally comprehended in one parish, and the ministers had manfies in the Parliament close. But the seditiousness of the clergy having brought the city under a sentence of high treason, James VI. upon restoring the town, insisted that the parsonage-houses should be given up to him, and the clergy live dispersed in the different quarters of the city, which was distributed into eight parishes, to each of which a minister was appointed: For the King thought, that by living * beside each other, they had the greater opportunity for plotting and consulting together, and that the rabble had, as it were, a common rendezvous, where they were instigated to tumult and rebellion. The city (that is, the antient royalty, independent of the suburbs) was afterwards, A. D. 1625, formally divided into parishes; but these were reduced to four in number, and their different limits described. The churches, in the respective parishes, being insufficient to accommodate the citizens, new churches were built, and the town divided into six parishes, A. D. 1641; but the whole antient royalty is now considered

* Council reg. v. 10. p. 117. 131. v. 13. p. 274. 277. 289. 304.; Spottiswood's hist. p. 443.

ed as one district, called the parish of St Giles ; and, upon the enlargement of the city, the extended royalty was annexed to the same parish.

In A. D. 1625, Charles I. bestowed on the town-council the right of patronage to all the churches in Edinburgh, a right, which, some years ago, was judicially contested, was prosecuted by the town-council, at a considerable expence, and in the issue they were victorious: Yet, partly from pusillanimity, partly from a desire to cultivate the good will of the citizens, upon whom their election into office in some instances depends, the town-council have hardly ever exerted this privilege, for which they so warmly contested ; but they uniformly present the clergyman who is chosen by the majority of the general kirk-sessions of Edinburgh. This, which to people unacquainted with particulars, may appear to be the effect of liberality and moderation, is, by no means, a commendable practice.

The presbyterian clergy of Scotland, who, in the course of our history, have been seen to involve the nation so often in tumult and rebellion, are still a divided sect. The right of patronage is the grand touchstone of the respective parties. The one set, which encourages patronage, are men of moderate and peaceable principles, both respecting church and state, who discharge quietly the duties of their function. The other, who are violent enemies to patronage, are more bigotted in their religious principles ; men who are ever inclined to advance the republican part of the constitution, and who are always endeavouring, by arts suitable to the end, to insinuate themselves into the favour of the rabble.

By these men, but much more by Seceders, Methodists, Cameronians, Independents, Anabaptists, Bereans, and the endless tribe of sectaries, fanaticism is propagated, is productive of much distress in private families *, and of the most ridiculous and fluctuating whimsies

* The danger to young people, particularly those of the female-sex, from the people who take upon them to be preachers, ought to be strictly guarded against. It frequently happens,

whimfies in the individuals who are possessed with these unhappy notions.

The danger that must accrue to the state, if this spirit of fanaticism should become general, is obvious. The best way to repress it, is, by the patrons of different churches, particularly where there are leading and numerous congregations, presenting men of prudent conduct, of peaceable and moderate principles, and who (if possible) are agreeable to the parishioners ; but in no ways to encourage or admit the shadow of a popular election.

In A. D. 1633, Charles I. erected Edinburgh into an episcopal see, appointing, for its diocese, all the lands besouth the river Forth, which had formerly belonged to the Archbishoprick of St Andrews, and he gave the Bishop precedence * next to the Archbishops of St Andrews and Glasgow. He appointed the chapter to consist of a Bishop, Dean, and twelve prebendaries, to whom, and their successors, he granted fundry churches, but naming that of St Giles as the cathedral. This, however, was a very short-lived institution. In A. D. 1639, episcopacy was abolished. Upon the restoration, it was re-established ; and it was again suppressed at the revolution.

Since that period, the presbyterian worship and form of church-government have taken place ; that is, by kirk-sessions, presbyteries, synods, and general assemblies. To every church there is a kirk-session, composed of the parson of the parish, and certain laymen, who are called ruling-elders. Their jurisdiction (which extends no further

happens, that a father is robbed of all his family by these wholesale dealers in poison. A young girl, for instance, goes, out of idle curiosity, or from being prevailed upon by a fanatick acquaintance, to hear one of those preachers. Her imagination is inflamed, her judgment is perplexed by his rhapsodies. She becomes a convert, and is seized with the concomitant desire of making profelytes. The father interposes by his advice and authority ; but the *ties of the flesh* are not to restrain the *calls of the spirit*. Filial affection and duty are thrown off ; the girl is unhappy but in the company of her own persuasion ; and, by a similarity in religious principles alone, she is led to conclude a marriage with a person, with whom meanness, poverty, and ignorance, must be her lot for ever.

* Council reg. v. 14. p. 282. ; Maitland's hist. p. 280.

further than their own parish) chiefly consists in the management and application of the collections made at church-doors, and other funds destined for the poor, in cognoscing such matters of scandal as arise from a breach of chastity, and passing censures upon these incontinent persons, and in giving their voice of approbation, or disapprobation, of the minister presented to their church by the patron, (which is termed *the moderation of the call*), a form still retained, but which is, in nowise, essential to the presentee's enjoying all the revenues or *temporalities* of the benefice. And, even as to the installment in the pastoral office, or what is termed the *spiritualities* of the benefice, the supreme judicatory of the church has, of late, uniformly admitted the qualified person presented by the patron, overlooking the parishioners opinion of the choice made by him, as inconsistent with the established law of patronage.

The kirk-session is the lowest judicatory of the church. Their sentences are liable to the review of the *presbytery*, the court immediately superior. It is composed of the ministers in a certain district, and of laymen, who are called ruling elders, one * from each parish. Besides reviewing the decrees of the kirk-session, this judicatory makes trial of the qualifications of candidates for the clerical function, into which they are admitted by the ceremony of imposition of hands, accompanied by prayer. From the presbytery, an appeal lies to the provincial synod, made up of the several presbyteries in the province; and the judgments of the synod are liable to be reviewed by the general assembly, the supreme ecclesiastical tribunal of Scotland. This court is composed of certain ministers and elders from each presbytery; as also, of representatives from the royal boroughs and universities.

The genuine spirit of the presbyterian religion hath ever claimed an absolute independence upon the civil magistrate, in all ecclesiastical affairs. It has, accordingly, been their policy to make choice of a head, which was not likely to interfere with their government of the

* James VI. parl. 12. c. 114.

the church. Full of the independence of the religious order, they have contended, that even a charge of high treason for words spoken from the pulpit, is cognisable alone by an ecclesiastical judicatory; and, in the zenith * of their power, they have gone the length to repeal fundry acts of parliament. The clergy, ever attentive to the aggrandizement of their order, at the expence of the power of the crown, or the liberty of the people, took advantage of the distresses of government, when James VI. was harrassed, on one hand, by plots of the popish Lords, on the other, by those of the Earl of Bothwell; and, when he had been rendered unpopular by one of his officers having killed the Earl of Murray, they snatched the opportunity of getting an act passed, not only ratifying the presbyterian church-government, and repealing, in whole, or in part, certain statutes prejudicial to it, but seeming to empower the general assembly to call and hold meetings by their own † authority, whose acts should be valid, without the royal presence or assent. Here was a power, set up independent of all the estates of parliament; an authority greater than that possessed by the Lords or Commons, or even by the church in the holy Roman empire, whose general councils were summoned, and decrees authenticated by the Emperor. The whole of this act is perplexed and ambiguous, the seeming tenor of the words running counter to the apparent views of the parliament.

This statute had been repeatedly abrogated and re-established. At the revolution, King William was greatly perplexed by the contradictory reports that were made to him of the religious affections of the people. The gentry, and the northern counties, in general, approved of the episcopal; the southern counties, and the commonality, were attached to the presbyterian religion. It would appear, that William was satisfied, upon pretty just grounds, that the episcopal clergy of Scotland entertained a bigotted attachment to mo-

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narchy,

* See book 1. c. 1. and 3. † James VI. parl. 12. c. 114.; Bankton's Institutes, v. 2. p. 591.

narchy, and the house of Stuart ; while the presbyterian were mortal enemies to that family, and (to say the least) by no means sanguine in their approbation of monarchy. But, as William dreaded the unconquerable attachment of the former to the house of Stuart, he entered into the views of the presbyterian party. The acts in favour of the presbyterian religion, which had been abrogated, were re-established *, particularly the statute seeming to confer powers so unconstitutional and dangerous, upon the general assembly.

As the royal assent is not necessary to give legal sanction to the acts of the general assembly, there is no other check upon them than the power of dissolving them, which may be exercised when the assembly proceeds to unwarrantable measures ; a power which, therefore, it cannot be presumed the civil authority to have renounced. The statute seeming to authorise the clergy † to call and hold assemblies, does not repeal the act ratifying the King's authority over all states in the kingdom ‡, spiritual as well as temporal ; but only declares, that it shall not be prejudicial to the privileges *that God has given to the spiritual office-bearers in the church*. It seems to be the natural interpretation of this statute, supported by practice, that it does not authorise meetings of the general assembly to be held without the royal authority.

The exercise of such power in the church would be incompatible with a regular government. Accordingly, since the revolution, the clergy have uniformly acknowledged the interposition of civil authority to be necessary to the holding of general assemblies.

A remarkable instance of this occurred A. D. 1746. By some accident, the commission, appointing a person to represent his Majesty in the general assembly, did not arrive on the day when the assembly was appointed to meet. The day appointed for their meeting, which was the 8th of May ||, they spent in religious worship, as usual ; but did not choose a moderator. The next day, also, they spent

* William and Mary, parl. 1. c. 5. † James VI. parl. 12. c. 114. ‡ James VI. parl 8. c. 129. || Register of General Assembly, A. D. 1746.

spent in prayer. But, on the day ensuing, after choosing a moderator, they adjourned till the sixteenth, against which time they knew a commission from his Majesty would arrive.

This ecclesiastical court is appointed to be held once in the year. There are few instances of its being assembled any where but in Edinburgh. The form of calling and dissolving this court, which is still retained, is a mark of the independence upon the civil power which was claimed by the presbyterian clergy. The moderator, (who is speaker of the assembly), in closing the court, declares it to be dissolved, *in the name of the Lord Jesus Christ, the head of the church*, and, by the same authority, indites another to meet on a certain day of the ensuing year. Then the Commissioner, in his concluding speech, dissolves the assembly, *in the name of the King, the head of the church*, and by his authority indites another to be held on the same day named by the moderator.

OF THE CHURCH OF ST GILES.

St Giles, Abbot and Confessor, patron of this church, was the tutelar saint of Edinburgh. He was born in Greece in the sixth century, and descended of illustrious parentage. Both his parents being dead, he gave all his wealth to the poor, and left his native country. He travelled into France, and retiring into the deep recesses of a wilderness, nigh the conflux of the Rhone with the sea, he continued there for three years, living entirely upon * the spontaneous produce of the earth, and the milk of a deer. He was reputed a person of extraordinary virtue and sanctity, and, like other popish saints, various miracles were attributed to him. He founded a monastery in Languedoc, which was long after known by the name of *St Giles's*, and induced many to embrace a life of retirement and devotion.

In the reign of James II, *Preston of Gorton*, a gentleman whose descendants are to this hour proprietors of that estate in the county

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* Baronii martyrologium Romanum, p. 389.; Martyrologium Adonis, p. 443.; Usuardi martyrologium, p. 507.; Mabillon's annales ordinis Benedicti, p. 99.

of Edinburgh, by the assistance of the King of France, got possession of a supposed arm-bone of this holy man. He bequeathed this esteemed relique to the church of St Giles in Edinburgh. The magistrates of that city, in gratitude for * the donation made to their church, granted a charter in favour of the heirs of Preston of Gorton, entitling the nearest heir of the donor, being of the name of Preston, to carry this sacred relique in all processions. The magistrates, at the same time, obliged themselves to found, in this church, an altar, and to appoint a chaplain for celebrating an annual mass of requiem for the soul of the donor; and that a tablet, displaying his arms, and describing his pious donation, should be put up in the chapel. The relique, enshrined in silver, was kept among the treasure of this church till the reformation.

At what time this religious foundation was established is unknown; but it is of considerable antiquity. A passage in an old author makes it probable, that this church was established before A. D. 854 †; but express mention is made of it A. D. 1359. It was simply a parish-church, of which the Bishop of Lindisfarne, or Holy Island, in the county of Northumberland, was patron. To him the abbot and canons of Dunfermline succeeded in the patronage; and to them, the Lord Provost and Magistrates of Edinburgh. Such was the estimation of this religious establishment, that, about forty altars, dedicated to different saints, were founded in it. In A. D. 1466, it was erected into a collegiate church by James III. The chapter consisted of a provost, curate, sixteen prebendaries, a minister of the choir, four choristers, a sacristan, and beadle. To each of them distinct salaries were appointed.

The church of St Giles is a beautiful Gothick building, in length, from east to west, on the outside of the wall, two hundred and six feet. Its breadth, at the west end, is one hundred and ten feet, in the middle a hundred and twenty-nine feet, but at the east end only seventy-six.

* Collection of charters in the Advocates Library, p. 78. 11th January 1454.

† Simeon Dunelmensis de gest Ang. ad A. D. 854; Carta David II. in archiv. Edin.

seventy-six. It is adorned with a lofty square tower, the top of which is encircled with open figured stone-work, resembling the ornaments that enrich the circlet of an imperial crown. From each side and each corner of the tower, rises a slip of stone-work, which, meeting in the top with that which springs from the opposite side, forms four arches intersecting each other, and completing the figure of an imperial crown, the top of which terminates in a pointed spire. The church is built on a very elevated situation, and the height of the spire is a hundred and sixty-one feet.

At the reformation, this church was, for the greater commodiousness, divided by partition-walls. The four principal apartments are allotted for divine worship; the lesser ones to other purposes. The chief of these divisions is called the *New Church*. It is formed out of the choir of St Giles's. In it are the King's seat, those of the Lord Provost and magistrates, and of the judges of the court of session*, this being the principal church in the city.

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* The sacred utensils belonging to the church of St Giles, were, by the magistrates of Edinburgh, made lawful prizes at the reformation. They were as follows; *The arm of St Giles, a relique*, enshrined in silver, weighing five pounds three ounces and a half. A silver chalice or communion cup, weighing twenty-three ounces; the great *eucharist**, with *golden weike and stones*; two cruets of twenty-five ounces; a golden bell, with a heart of four ounces and a half; a golden unicorn; a golden pix to keep the host; a small golden heart with two pearls; a diamond ring; a silver chalice, patine, and spoon, of thirty-two ounces and a half; a communion-table cloth of gold brocade; *St Giles's coat*, with a little piece of red velvet which hung at his feet; a round silver *eucharist*; two silver censers, of three pounds fifteen ounces; a silver ship for incense; a large silver cross, with its base, weighing sixteen pounds thirteen ounces and a half; a triangular silver lamp; two silver candlesticks of seven pounds three ounces; other two candlesticks of eight pounds thirteen ounces; a silver chalice gilt, of twenty ounces and a half; a silver chalice and cross of seventy-five ounces, besides various priestly robes, and other vestments of gold brocade, crimson velvet embroidered with gold, and green damask. All these were sold; the money was applied, in the first place, to necessary repairs upon the church. The superplus became a part of the funds of the corporation. Council reg. vol. 3. p. 2. 29. 45. 76.

* Communion cup.

THE OLD CHURCH.

The central part of St Giles is fitted up as a place of worship, for the accommodation of the citizens, and called the Old Church.

THE TOLBOOTH CHURCH.

Upon the reformation, the presbyterians conceived an immoderate aversion at bestowing the names of any of the saints upon their churches; but distinguished them by some circumstance, respecting the time or manner of erection, of vicinity, &c. This church accordingly, which occupies the south-west quarter of St Giles's, from its vicinity to the prison-house, was termed the *Tolbooth* church.

HADDOW'S-HOLE CHURCH.

This occupies the north-west part of St Giles's. It was not fitted up as a place of worship till A. D. 1699. It takes the name of *Haddow's-hole*, from its having been made a prison, in which a gentleman of the name of Haddow was long confined.

Besides these churches, the smaller apartments in this cathedral are appropriated to several purposes. The chief of them is fitted up for the General assembly. A throne is erected in it for his Majesty's commissioner. The convention of royal boroughs is also held in this apartment. In other parts of this church, the city-clerks of Edinburgh, and the kirk-session clerks, have their offices; and one of the rooms is used as the city-cartulary of Edinburgh.

In different quarters of this church, there are the monuments of the celebrated Lord Napier of Merchiston, inventor of logarithms, of James Earl of Murray, natural son of King James V. and regent of Scotland, and of the great Marquis of Montrose, all of whom were here interred.

TRINITY

TRINITY COLLEGE CHURCH.

This church was founded by Mary of Gueldres, Queen of James II. in honour of the Holy Trinity, A. D. 1462, who, at the same time, founded and endowed an hospital. The chapter of this collegiate church was appointed to consist of a provost, eight prebendaries, and two choristers all of whom had distinct salaries. In the hospital thirteen poor men were to be maintained. The regulations established by the charter of this foundation, put the virtue and learning of the Popish ecclesiastics in no very respectable view. It is provided by the foundress, 'That no prebendary shall be instituted, unless he can read and sing plainly, and understands arithmetic.' 'And that, if any prebendary shall keep a concubine, or fire-maker, and shall not dismiss her after being *thrice admonished thereto by the Provost*, his prebend shall be adjudged vacant.'

The building intended by the foundress has never been completed; only the choir, central tower, and cross of the church, have been erected. On one of the buttresses, the arms of Gueldres, quartered with those of Scotland, are engraved, and, in the north isle of the church, the body of the foundress is interred.

At the reformation, the regent Murray bestowed this collegiate church and its revenues, on Sir Simon Preston, who generously gave them in benefaction to the town-council of Edinburgh. The church was intended by them as a place of worship for the citizens, and the hospital (which was become ruinous) to be rebuilt for the accommodation * of the poor. This church, since the reformation, has been commonly called the *College Kirk*.

OLD

* See an account of this hospital *infra*, under this article 'Of the charitable foundations in Edinburgh.'

OLD GRAY FRIARS CHURCH.

The number of inhabitants of Edinburgh increasing, and the churches being insufficient for their accommodation, the magistrates, A. D. 1612, ordered a new church to be built, on the ground formerly belonging to the Gray Friars, and bestowed on them by Queen Mary, for a public cemetery. Although two more churches were afterwards erected within the royalty, still they were found insufficient for the purposes of religious worship. It happened on the 7th of May 1718, that part of this church was blown up by gunpowder, belonging to the town, which had been lodged in the steeple. The expence of repairing it was estimated at L. 600, and, instead of building up the church in its antient form, it was resolved to construct at its west end another church.

NEW GRAY FRIARS CHURCH.

In the manner already mentioned, this church was built contiguous to the west end of the Old Grayfriars. It was finished A. D. 1721, at the expence of L. 3045 Sterling.

Around these churches is the principal cemetery for the citizens of Edinburgh. When the magistrates, attentive to the interests of the city, applied for this spot, to be converted into a burying-ground, it was at a small distance from the town; it is now surrounded by buildings. At that time there were but four churches in Edinburgh; there are now nine within the royalty, besides a large chapel for those of the episcopal communion, and fundry meeting-houses for dissenters. It surely will not be alledged, that people resort more frequently to the church now, than in the days of *John Knox*; yet, while the doubled number of the churches is one among many proofs of the vast increase of inhabitants, the burying-ground is but little enlarged. Such multitudes have been interred in the
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Gray-friars church-yard, that it is equally humiliating and disgusting, to behold its surface raised so much beyond the level of the adjacent ground, merely by what was once the organs of rational beings, and susceptible of pleasure and pain.

The graves are so crowded upon each other, that the sextons frequently cannot avoid, in opening a ripe grave, encroaching upon one not fit to be touched. The whole presents a scene equally nauseous and unwholesome. How soon this spot will be so surcharged with animal juices and oils, that, becoming one mass of corruption, its noxious steams will burst forth with the fury of a pestilence, we shall not pretend to determine; but, we will venture to say, the effects of this burying-ground would, ere now, have been severely felt, were it not, that, besides the coldness of the climate, they have been checked by the acidity of the coal-smoak, and the height of the winds, which, in the neighbourhood of Edinburgh, blow with extraordinary violence.

The magistrates lately purchased a large space of ground, which they dispose of to very good account, as areas for building. They may at least then provide for the wholesomeness of the city, by accommodating it with a sufficient burying-ground. To enlarge that of the Grayfriars, would be very improper. A spot ought to be purchased entirely without the city. *The Chapel of St Roque*, and its church-yard, which were formerly a cemetery for Edinburgh, are well adapted for this purpose. The spot lies at a convenient distance; and, as it was once a chapel, it will be accommodated to the prejudices of those who incline to have their ashes deposited in consecrated ground.

THE TRON CHURCH.

The Old Grayfriars-church being, along with the other churches, still insufficient for the accommodation of the citizens, the town-

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council purchased two sites, on which they intended to erect religious fabrics. The one was on the Castle-hill, almost the same spot which is presently occupied by the reservoir. The other was the space on which the Tron-church presently stands. Both these buildings were founded about A. D. 1637. Both of them were carried on a considerable length, when the magistrates * perceived, that it would be with difficulty they could defray the expence of one of them. They accordingly pulled down the unfinished church on the Castle-hill, and employed the materials in erecting that at the Tron. The Tron Church, (so called from its vicinity to the *Tron*, or public beam for weighing merchandize), was built partly at the expence of the town, partly by voluntary subscription. The building went † on very slowly. By the year 1647, it was so far compleated, that public worship was performed in it; but it was not entirely finished till A. D. 1663. The expence of this fabrick was about L. 6000 Sterling.

In A. D. 1639, one David Mackall, a merchant in Edinburgh, gave three thousand five hundred ‡ merks to the magistrates of Edinburgh, *in trust*, for purchasing land, the rents whereof were to be || applied to the maintenance of a clergyman of the presbyterian church, who should be appointed to preach every Sunday morning at six o'clock, or such other hour as the magistrates should appoint.

The magistrates of Edinburgh may truly be said to have *hid this talent in a napkin*. They did not appoint a preacher in consequence of it, for a period of *sixty-four* years. As money then bore ten *per cent.* of interest, although the interest of this sum had been paid but *once in ten years*; yet, if it had otherwise been properly managed, the accumulated sum behoved to have exceeded *sixteen thousand pounds Sterling*. In the year 1703, the magistrates appointed two persons

* Council reg. v. 15. p. 47. v. 16. p. 26. v. 22. p. 29.

† Over the door, in the front of the church, is this inscription: 'Ædem hanc Christo et ecclesiae sacrarunt cives

' Edinburgeni, Anno Dom. MDCXLI.'

‡ About L. 194 Sterling.

|| Council

reg. v. 15. p. 110.

persons to preach alternately in the morning in this church*, to each of whom they gave a salary of about forty guineas; but of late they have contented themselves with one preacher, to whom they give L. 50 a-year. It may here be proper to observe, that the ministers of Edinburgh also preach alternately, in one or other of the churches, every Tuesday and Friday morning, and Wednesday evening.

The magistrates were in use to appoint the morning preacher in the Tron-church, from among clergymen who had no cure. This was charitable and judicious; for the young preachers in Scotland are extremely indigent; and this office being taken from the preacher whenever he was presented to a parsonage, might, in few years, be useful to many poor young men. There is, however, nothing in Mackall's deed of mortification, restricting the magistrates to the appointment of any clergyman or preacher, except that he be of the presbyterian religion. This office is, at present, held by one of the ministers of Edinburgh.

LADY YESTER'S CHURCH.

As the town-council of Edinburgh had been unable to erect their intended church on the Castle-hill, *Dame Margaret Ker, Lady Yester*, desirous that the citizens of Edinburgh should be sufficiently accommodated in places of public worship, founded this church A. D. 1647. She gave the magistrates the sum of ten thousand merks† for building a church, and five thousand more to be laid out in maintaining a minister; but with power to the magistrates to employ both these sums in building the church, if necessary. Accordingly, both sums being expended in building the church, this pious and charitable lady made a grant to the magistrates of a thousand merks a-year, payable out of her jointure, till another sum of five thousand merks should be made up, to be applied towards providing a minister. In all the churches of Edinburgh, within the royalty, excepting this and the New Gray-friars, two ministers officiate. They have a stipend of L. 138 each.

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CANONGATE

* Council reg. v. 37. p. 686.

† L. 555 Sterling.

CANONGATE CHURCH.

It has been already observed, that the Abbey church of Holyrood-house was antiently the parish church of the Canongate. James VII. either from a desire of having a chapel in which the Popish worship might be celebrated in all its splendour, or simply of decorating a church for the ceremony of installing the Knights of the Thistle, ordered the church of Holyrood-house to be set apart as a chapel-royal, in all time coming. This order was first issued A. D. 1672; but seems not to have taken effect till A. D. 1687; and the inhabitants of the Canongate were desired to accommodate themselves in Lady Yester's * church, till a new one could be built for them.

As the inhabitants of the Canongate were incommoded by the want of a parish-church, they acquainted the King, that one Thomas Moodie had bequeathed to the town-council, in A. D. 1649, twenty thousand † merks, in trust, for the building a church, which, with its annual interest, behoved now to be accumulated to a very considerable sum; and they prayed, that his Majesty would interpose his authority to compel the town-council to build them a church. Agreeably to the royal mandate, which was issued in consequence of the application made by the inhabitants of the Canongate, the magistrates of Edinburgh bought a piece of ground for a church and church-yard, and began to build a church A. D. 1688. This building is of the figure of the cross. The front of it is decently ornamented, and, on its top, are the head and horns of a deer, with a cross erect, over the top of the forehead, between the horns, emblematical of the ridiculous legend which is told of King David I. founder of the abbey of Holyroodhouse. The expence of this building was about two thousand four hundred pounds Sterling. There are two ministers to this church; the King is patron of the first,

* Records of privy council, No. 2. p. 649.; Manuscript by the Rev. Dr Macfarlane minister of the Canongate.

† About L. 1100.

first, the town-council of Edinburgh, and proprietors of houses in the Canongate, of the second.

CHURCH OF ST CUTHBERT'S

This church stands to the north-west of the castle, entirely without the royalty. The district to which it belongs must be considered as partly a town, partly a country parish. The suburbs of Portborough, Potterrow, and Pleasance, with the other streets and squares on the south-side of the town, compose the former. The latter, which at present is very extensive, was antiently much more so. If we set aside that of St Giles's, this is the most populous parish in Scotland. This church is of great antiquity. In the charter of foundation of the monastery of Holyroodhouse, there is mention of donations made to the church of St Cuthbert by the usurper Macbeth *. Some years ago, this church becoming ruinous, it was rebuilt at the expence of L. 4231. Although this parish is very populous, and the landholders, in general, are men of opulence, they would not bestow as much money as build a handsome church, or compleat the spire, which is cut short when it rises to the level of the roof of the church. Thus, both ornament and utility are despised; for, there is not a place to hang the bells for convening this populous and extensive parish. At the same time, the situation of this church is so detached, that a handsome building and spire would be seen to much advantage, and be a great ornament to the neighbourhood. Although we are not to expect that the phlegmatick devotion of a modern protestant should consecrate structures to the Deity, equal in magnificence to a Grecian temple, or popish cathedral; yet it is to be wished, that gentlemen who profess religious principles, and who would be thought lovers of the fine arts, would, consistently with these professions, make some distinction between a church and a barn. Two
ministers

* Macbeth usurped the throne A. D. 1052.

ministers officiate in this parish. They have manfes in its neighbourhood ; and the King is patron.

CHAPEL OF EASE.

The number of inhabitants in the parish of St Cuthbert's increasing, it became necessary to erect a place of worship for their accommodation. This one was accordingly raised A. D. 1757, before the buildings in that quarter became extensive, and was called *the Chapel of Ease*. It is dependent upon the landholders and kirk-session of the parish of St Cuthbert's, of which it forms a part. In them is the government of matters respecting this chapel, and the right of electing the minister.

This building was raised by subscription. To induce people to subscribe, it was declared by the landholders and kirk-session, that every one who gave five pounds should have a right to vote in electing the first minister. This church is a plain genteel building. It cost between eleven and twelve hundred pounds. It is accommodated with a belfry, although that of St Cuthbert's has got none. The minister's stipend is paid out of the seat-rents ; therefore, as the demands for seats, as well as the collection at the church-door for the poor, will be greater, if the minister be agreeable, it has been hitherto thought proper to give the election of the minister to the seat-holders.

The neighbourhood of this chapel has, since its erection, been used as a cemetery. But, so strong is the prejudice in favour of *holy ground*, that, previous to its being used as a place of interment, a bishop of the Scottish episcopal communion was prevailed upon, with all due solemnity, to *consecrate the ground*. This office of consecration, (it seems), either being inconsistent with the principles of a presbyterian clergyman, or that he is not deemed sufficiently sanctified for the function.

LADY GLENORCHY'S CHAPEL.

In this chapel, also, worship is performed according to the manner of the presbyterians. Whether, before *Lady Glenorchy* founded this institution, there were churches sufficient for accommodating the inhabitants, we shall not pretend to determine. Such, indeed, is the demand for seats, and so little are they occupied when obtained, that we are tempted to conclude the genteeler part of the congregations in Edinburgh deem the essential duties of religion to be concentrated in holding and paying rent for so many feet square in the inside of a church.

Bnt, whatever may be the state of accommodation in Edinburgh, as to houses of public worship, we can by no means approve of this institution. If, to promote fanaticism, be piety ; if, to encourage sectaries, be favourable to the established religion, the foundress of this institution is entitled to demand applause, as a devout person that has contributed to the welfare of the presbyterian church.

In A. D. 1772, Lady Glenorchy leased a piece of ground from the managers of the Orphan Hospital, for which she was to pay fifteen pounds a year ; and, upon this area, she immediately began to build a chapel. Far from trading in the laudable path already chalked out by Lady Yester, Lady Glenorchy reserved the patronage and entire management of this institution to herself, and certain select persons appointed by her. She, at the same time, struggled both to have the minister presented by her, entitled to the benefit of communion with the established church, and to be favoured with its countenance ; and also, that he should not be liable to the regulations, nor subject to the judicatories of the church.

Her Ladyship, on the 8th of February 1773, executed a missive, which wore the appearance of granting *something* to the Orphan Hospital, but, in fact, granting *nothing at all*. It must be premised, that, as the offerings made at the church-doors in Edinburgh are applied

plied to the support of the Charity work-house, and sometimes to that of the Orphan Hospital, that any place of worship, where the offerings are applied to other purposes, is detrimental to these charitable institutions. Now, her Ladyship, by that missive, declared, that the managers of the Orphan Hospital should have liberty, (upon asking it in proper time), to have *occasional preaching in her chapel when it was not otherwise employed*, and to apply the collections made upon these occasions in behalf of the hospital. It may be asked, ‘Is there any thing to hinder Lady Glenorchy, (upon application made), to give to any man, or set of men, the liberty of *occasional preaching* in her chapel, and of applying, as they please, the collections made upon these occasions?’ However, she concluded this missive with a very modest proposal, that the minister of the chapel should be directed by her to take inspection of the * children and servants in the hospital, if agreeable to the managers.

The church being finished, Lady Glenorchy sent a letter to the presbytery of Edinburgh, asking their assistance, by naming some of their number, or probationers, to preach in the chapel occasionally, till a minister should be settled. The presbytery complied with her request. The chapel was opened by two of the ministers of Edinburgh in May 1774, and different ministers and probationers preached there from time to time. In December 1775, Lady Glenorchy informed the presbytery of her intention to place, in this chapel, one Grove, a preacher to a dissenting congregation in England. To this the presbytery gave a civil answer, importing, that, although they approved of her piety, they could not give countenance to the appointment of a minister who was no member of the clerical order of the church of Scotland. The intended presentee, foreseeing the disagreeableness of his situation, declined the charge. Upon this, Lady Glenorchy wrote to the presbytery, that she intended to pre-
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* It is to be observed, that the Orphan Hospital is a body corporate, constituted by royal charter, of which most of the great officers of state in Scotland, and the preses's of almost every society of any note in Edinburgh, are managers.

sent the Reverend Mr Balfour minister at Lecropt; but that he, out of his respect for the established church, and resolution to hold communion with it, would take no step towards being loosed from his present pastoral charge, till he was assured that the presbytery of Edinburgh would install him in this chapel.

To this letter, the presbytery answered, that they heartily approved of her choice; but that they could not consent to install him, unless there were a regular call from the congregation, a legal security for the minister's stipend, and that the offerings at the chapel were put under the administration of the managers of the Charity work-house. The lady, however, far from complying with these articles, wrote to them, 'That the chapel was her private property, and *had never been intended to be put on the footing of the establishment, nor connected with it, as a chapel of ease to the city of Edinburgh*: That, having built the chapel at her own expence, she was entitled to name the minister: That she wished to convince the presbytery of her inclination, that her minister, *though not on the establishment, should hold communion with its ministers*: That, with respect to the offerings, every body knew that she had appointed trustees for the management of them; *and that those who were not pleased with this mode of administration might dispose of their alms elsewhere*. Adding, that she had once and again sent part of these offerings to the treasurer of the Charity work-house.'

Notwithstanding their former resolution, as, by the mode of settling ministers in Edinburgh, already spoken of, the fanatick interest preponderates in that presbytery, a majority of that ecclesiastical court voted Lady Glenorchy's reply satisfactory, agreed to install the minister, and that he should be at liberty to hold communion with the established clergy. Thus did the presbytery give every mark of countenance, and almost every benefit arising from the established church, while this institution was not subject to their jurisdiction; while they dispensed with the *moderation of the call*, a form about which they stickle zealously, if by it they could get a

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minister,

minister, presented by the legal patron, to be rejected; while they did not insist upon the stipend being properly secured; while they agreed to permit Lady Glenorchy to dispose, without controul, upon those pious offerings, which should have been applied towards the support of the Charity work-house; while they, in fact, elided that right of patronage over all churches in this city holding communion with the established ministers, which is vested in the magistrates of Edinburgh; and, while they had no power to depose, from the benefice in this chapel, the minister installed by them, in case of his errors in life or doctrine.

Several members of the presbytery appealed against a decision which they deemed so improper. Mr Balfour, the presentee, a worthy member of the established church, to avoid the disagreeable contest, declined the charge. The appellants, however, impressed with the pernicious tendency of this judgment, brought their appeal before the synod, by whom the judgment was totally reversed. Against this sentence of the synod*, the presbytery appealed to the general assembly, who waved the consideration of the first part of the judgment of the synod, disapproving of the installment of a minister in this chapel by a member of the presbytery, but reversing that part of the sentence which prohibited religious communion between the ministers of the established church, and the presentee to Lady Glenorchy's chapel. The absurdity and inconsistency of this decision were rendered more conspicuous by a sentence of the general assembly, pronounced just two days thereafter, who, in the case of Dunfermline, upon an application similar to that of Lady Glenorchy, but with circumstances infinitely more favourable for the inhabitants of Dunfermline, *affirmed* the judgment of the synod of Fife, which was precisely the same with that of the synod of Lothian, which they had *reversed*.

THE

* Register of general assembly, 27th, 28th, and 30th May 1777.

THE EARSE CHURCH.

Great numbers resort from the Highlands to get employment in Edinburgh in the lower occupations of life. The chairmen, porters, soldiers of the city-guard, and many of the household-servants in Edinburgh, are from that country. Some of them neither understand nor express themselves intelligibly in English. For the benefit of these people, it was proposed, about ten years ago, to found a chapel, where the presbyterian religion should be performed in the Earse language. This chapel was accordingly begun A. D. 1767, and compleated 1769. William Dickson dyer in Edinburgh purchased the ground, and disposed it to the Society for Propagating Christian Knowledge, to be held by them for the special purpose of celebrating worship in the Earse language. It was built by subscription, and by collections raised by itinerant preachers. The writers to the signet gave a subscription of L. 100; there was no other donation of any note. About two years ago, the chapel was found not large enough to accommodate the congregation. An addition was made to it. The building, so enlarged, can admit upwards of a thousand hearers. The expence of it was in all about L. 700. The minister of this chapel is elected by the feat-holders. Out of the feat-rents he is provided in a salary of seventy pounds a year. He is allowed to hold communion with the ministers of Edinburgh.

THE ENGLISH CHAPEL.

In the year 1689, episcopacy, which was then the established religion, was abolished. Although, from that period, episcopal clergymen had no legal provision, or settlement, they were tolerated to preach in meeting-houses till A. D. 1746. But, as they derived no emolument from government, no provision from the state, they did not perplex their consciences with voluminous and unnecessary

oaths. It has been already observed, that people of all ranks frequented these places of worship, which were so little obnoxious, that the magistrates of some of the northern boroughs attended them, distinguished by the ensigns of office. Nonjuring meeting-houses, however, being prohibited under very rigorous penalties, it became necessary to all who wished to show their attachment to government, or to preserve their personal liberty and safety, to conform to the standard rules prescribed by act 19. Geo. II. chap. 38.

An episcopal chapel, whose minister was duly qualified by taking the oaths to government, had already been founded in Edinburgh by the Lord Chief Baron Smith. But, as it was not sufficient to accommodate those of that communion, two new ones were founded about the year 1746; one in Skinner's, another in Carruber's close. In both these chapels, the officiating clergymen complied with the dictates of the statute.

As these places of worship were but mean, inconvenient apartments, too small for their congregations, a plan was formed, about eight years ago, for erecting a handsome building, sufficient to accommodate not only the hearers in these two chapels, but those of the foundation instituted by Baron Smith, for whose benefit, also, this chapel was designed. The gentlemen of the episcopal persuasion chose from among their number a committee of twelve, for carrying their purpose into execution. To this effect, the committee purchased an area from the Royal College of Physicians, and opened a subscription, which was the only resource they had for completing the building, the trifling funds belonging to the former chapels bearing no proportion to the amount of so expensive a work. It could hardly be expected that the contributions would keep pace with the demands for money, to defray the expence of the work. But this impediment was removed by the committee, who, for that purpose, generously engaged their personal credit to a considerable amount. The building was begun on the 3d of April 1771. General Sir Adolphus Oughton, then grand master of the fraternity of
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Free Mafons, laying the foundation * stone. The committee carried it on with fuch zeal and activity, that the chapel was opened for public worship on the 9th of October 1774.

This is a plain handsome building, neatly fitted up in the inside, fomewhat in the form of the church of St Martin's in the Fields, London. It is ninety feet long, by feventy-five broad, over walls, and is ornamented with a neat fpire of a tolerable height. In the fpire hangs an excellent bell, formerly belonging to the chapel royal of Holyrood-house, which is permitted to be rung for affembling the congregation, an indulgence that is not allowed to the prefbyterian in England. This difplays a commendable liberality of fentiment in the magiftrates of Edinburgh; but breathes no jealousy for the dignity of their national church. In the chapel there is a fine organ made by Snetzler of London. In the eaft fide of the chapel is a nitch of thirty feet, with a Venetian window, where ftands the altar, which is adorned with paintings, by Runciman, a native of Edinburgh. In the *volta* is the afcenfion †; over the fmall window, on the right, is Chrift talking ‡ with the Samaritan woman; on the left the prodigal returned §. In thefe two, the figures are half length. On one fide of the table is the figure of Mofes, on the other, that of Elias. To compleat this chapel, however, two porticos are ftill wanted. That on the fouth (which is the front of the church) is meant to confift of lofty Corinthian pillars, fupporting a pediment. But this building has been very expenfive. Befides L. 800 paid for the area, it has already coft near L. 6000, and the expence of the porticos is eftimated at L. 1000 more. As the funds collected are exhausted, and the founders in advance, thefe muft be delayed till the chapel is affifted by future donations. It is
to

* The following is the infcription on the foundation-ftone. * Edificii facr. ecclefiæ
' epifc. Angliæ, primum pofuit lapidem, J. Adolphus Oughton, in architectonicae Scotiæ
' repub. Curio maximus, militum præfectus; regnante Georgio III. Tertio Apr. die
' A. D. M,DCC,LXXI.'

† St Luke, chap. xxiv. ver. 51. 52.
c. xv. v. 21.

‡ St John, c. iv. v. 18.

§ St Luke,

to be regretted, that a structure, which, when compleated, will really be handsome, has not been raised upon an advantageous situation. The ground is low; the chapel is concealed by adjacent buildings; the access, especially for carriages, inconvenient; and there is this singularity attending it, that it is the only Christian church standing south and north we ever saw or heard of. Had it been built in the extended royalty, it would have been seen to advantage, and been an ornament to the neighbourhood.

Three clergymen officiate in this chapel, a senior and two junior. The present senior clergyman is Doctor Myles-Cooper, principal of the college of New-York, from which he has been exiled by the present disturbances in America. The senior has a stipend of L. 150 a-year; the juniors have L. 100 each. The revenue of the chapel arises solely from the seat-rents, and the surplus of the collections at the door, after what is laid out in support of the indigent members of the congregation, and what is bestowed in the annual collection made for the Charity work-house, and Royal Infirmary.

When the three congregations, viz. those of the chapels of Baron Smith, of Carruber's, and of Skinner's close united, each of them chose four gentlemen to compose a vestry of twelve, for managing the affairs of the chapel, giving them power to fill up vacancies in their number. In these gentlemen, the right of appointing the clergymen is vested.

There are about a thousand persons in this congregation. Divine service is celebrated before them, according to all the rites of the church of England. This deserves to be considered as a mark of increasing moderation and liberality among the generality of the people. Not many years ago, that form of worship, in all its ceremonies, would not have been tolerated. The organ and the paintings would have been downright idolatry, and the chapel would have fallen a sacrifice to the fury of the mob. These can now behold, without emotion, even the funeral service performed publicly. Upon the death of Mr Carr, the first senior clergyman in this chapel, he was interred

red under its portico, the funeral service was fung, and the voices were accompanied by the organ. The opinions of mankind would naturally subside into a state of moderation, that could behold, without antipathy, the diversities of creeds and of religions, if they were not inflamed by the fanatick part of the clergy ; the spirit of persecution and bigotry, which, clothed in pretensions to sanctity, has, in its progress, indulged itself in the most atrocious cruelties, would cease ; universal toleration of religious opinions would ensue.

BARON SMITH'S CHAPEL.

A place of worship for those of the episcopal communion had been founded by John Smith, Esq; Lord Chief Baron of exchequer, A. D. 1722. In order to its endowment, he vested a sum in the public funds, for the purpose of yielding L. 40 yearly to the minister of that chapel ; and he left the management in seven trustees nominated by himself, with powers to them to fill up vacancies in their number. When the English chapel, already spoken of, was founded, it was intended that this congregation should unite with others of the episcopal persuasion, in the New Chapel ; but the incumbent in Baron Smith's chapel, differing with his hearers about the mode of his settlement in the New Chapel, chose to withdraw himself again to that in which he was already established.

Besides these, the episcopal religion is performed in some other chapels, where elderly persons, nonjuring episcopal clergymen, officiate. After his present Majesty's accession to the throne, certain officious people lodged informations against some of those clergymen ; but the officers of state, imitating the liberality and clemency of their gracious master, discountenanced such idle and invidious endeavours at oppression. There are also, in Edinburgh, various meeting-houses, where congregations of seceders, methodists, and other sectaries from the lowest classes of the people, assemble. So much is the fury abated, or rather the frenzy which took place at
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the reformation, *that a Popish chapel is presently building * in Edinburgh.* Let us not be understood to hang out the signal for persecution!

* Since writing the above, we have observed, with sincere pleasure, that the liberal ideas which are gaining ground in the kingdom, have been adopted by parliament; that the English penal statutes, against papists, have been repealed. We apprehend there must be some reason unknown to us, why this act was not extended to Scotland; why the penalties, which, in Scotland, are severer; why those laws which breathe a spirit of the most diabolical rancour, are not abrogated. Upon the news arriving of this bill being brought into parliament, the fanatic party, among the presbyterian clergy, did ample justice to that uniformity of character and conduct, which historical truth has obliged us to describe. The General Assembly happened to be sitting, the fanatic party were full of their alarms and apprehensions. It was at first proposed to address his Majesty against the bill passing into a law; and afterwards, when, upon the debate being resumed, the Lord Advocate told them, *that the bill did not extend to Scotland*, they were not satisfied, but moved that a standing committee should be appointed, to watch against any extension of the bill. Happily for the country, the interest of the fanatic party in the General Assembly is sinking. The question accordingly was lost; but, as this four leaven is still fermenting in some parts of the country, certain presbyteries published a solemn vote of thanks, to such members of assembly as had been loudest against the bill, and instilled into the rabble the most frightful notions of this proceeding of parliament.

The insolence and extravagance of a set of fanatics, of a class of people, who, when they possessed power and consideration, never failed to involve the nation in tumult, obliges us again to resume the pen. The clergy, and the lower class of the people in Glasgow, and in the western shires, from the days of Charles I. till the present hour, have breathed a spirit of fanaticism, which has burst forth in reiterated rebellions. The synod of Glasgow and Ayr, have had the audacity to appoint a solemn fast, to be held within their bounds, on account of the encouragement given to popery, in evident contempt of an unanimous resolution of parliament; have voted an address to the different houses of parliament, against any mitigation of the penal laws against papists; and have instructed their clergy to preach upon the controversial points between papists and protestants. Mark the consequence that has already flowed from this pious resolution! On the very next Sunday after it was embraced (18th October 1778), the rabble beset a house in Glasgow, where a popish congregation was assembled, beat all the windows in pieces, and continued besieging the house till eight at night, when they dispersed themselves, whereby the congregation was allowed to retire. Every one who is versant in the principles of human nature, or history of mankind, must know what notable materials the rabble are, in the hands of the clergy, and what prodigious effects have flowed from their mutual operations. The trifling ebullition of resentment manifested against this chapel at Glasgow, and the resolutions embraced by their clergy in a free nation and enlightened age, bespeak that class
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cution ! nor to conceive so harshly of the public, as that a prosecution against its founders could be tolerated. We mention this circumstance from very different motives ; we mention it as a curious feature in the human mind ; as a singular revolution in this country ; as a great instance of liberality and humanity, that the nation, which, two centuries ago, in the barbarity of her zeal, pulled in pieces those magnificent fabricks destined for the celebration of the religion by law established, should now permit a building to be raised for the purposes of the same religion, although discouraged by the most sanguinary laws. With the improvement of mankind, even Rome herself must drop her persecuting spirit, or be forsaken by her votaries.

O o CHAPTER IV.

of people inspired with equal rancour, and with more reprehensible ignorance than the darkest ages of popery, and calls aloud for the attention of the legislature, to repress this spirit of fanaticism. Besides the high flying part of the established clergy, the seceders are, to a man, a set of fanatics. Although they embrace the same confession of faith, and observe the same forms of worship with the established church, they have separated from it on account of presentations, and that they may enjoy the delightful rhapsodies of their preachers. The sectaries of different persuasions, of late, have greatly increased. It is believed, that the number of their meeting-houses in Scotland, is at least three hundred. It is, perhaps, worthy the attention of government, how far a tax on these meeting-houses would be proper, and whether it might prevent the growth of fanaticism.

CHAPTER IV.

OF THE PUBLIC BUILDINGS IN EDINBURGH.

Of the Public Buildings in Edinburgh—Of Edinburgh Castle—Of the Parliament House—The Advocates Library—The Tolbooth—The Canongate Tolbooth—The Cross of Edinburgh—The Town-guard House—The Weigh-house—The Palace of Holyrood-house—The Royal Exchange—The Bridge and extended Royalty—The Register Office—Physicians Library—The Suburbs of Edinburgh—David Hume's Tomb.

IN this part of our history, we mean to describe those public buildings which are not connected with the seminaries of learning, with charitable foundations, nor public diversions.

OF EDINBURGH CASTLE.

Edinburgh castle consists of an area of about six English acres. Its situation is naturally so strong, that, if the fact did not contradict our speculation, we should have conjectured it, before the invention of artillery, to have been impregnable. It is situated on a precipitate, and in some parts perpendicular rock, about three hundred feet high from its base, and, except on its east side, is inaccessible.

At the entrance to the castle is the outer barrier; beyond which is a dry ditch, draw-bridge, and gate, defended by two flanking batteries; the whole commanded by a half-moon, mounted with brass guns of twelve pounders. Opposite and near to the gate, is a guard-room for the sentinels of the standing guard of the castle. A little farther on, winding upwards to the right, are two gate-ways, the first of which is very strong, and has two portcullises. Immediately

diately beyond the inner gate-way, upon the right, is a battery mounted with brass guns of eighteen and twelve pounders. Nigh this are store-houses for the reception of gun-carriages, and other implements of artillery. Next to these on the north, are a grand store-room and an arsenal, which will contain eight thousand * stand of arms; next the powder magazine, which is bomb-proof, south from the magazine, are the fort major's, governor's, and store-master's houses; and, beyond these, a mortar, and some gun batteries.

The upper part of the castle, which is entered by a gate to the westward, contains several half-moon batteries, a chapel for the use of the garrison, a parade for exercise, and a number of houses in the form of a square, with a court in the centre, which are the chief buildings in the castle. These are laid out in barracks for the officers. The different barracks in the garrison can accommodate a thousand men. The east side of the square was antiently royal apartments. From the dates on the walls, some of these appear to have been rebuilt in A. D. 1556, others in A. D. 1616. In those turbulent times, Queen Mary did not hold it safe to reside in an unfortified place, when her pregnancy was far advanced; she, therefore, took up her residence in the castle, and in a small room, on the ground-floor, in the south-east corner of this edifice, she was, on the 19th of June 1566, delivered of a prince, in whose person the crowns of both kingdoms were afterwards united. In this quarter of the castle state-prisoners are kept, and in one apartment, called the *crown-room*, it is pretended that the regalia of Scotland are deposited: That they were lodged there with much formality, on the 26th of March 1707, is certain. Whether they be there still, is very problematical. If they be, nothing, at least, can be more absurd than the way in which they have been kept. The way to preserve an object of great value, is not to lock it up for ever from the eyes of the public; quite the reverse. It is by producing it at

* There are other apartments in the castle for the reception of arms; so that it can accommodate thirty thousand stand of arms.

stated times, before certain officers, as representing the public. Now, since the regalia were deposited, no governor of the castle, upon his admission, has made inquiry if they were left secure by his predecessor. No mortal has been known to have seen them. Whether it was, that the government entertained a jealousy, that the Scots, in their fickleness or disgust, would repent themselves of the union ; or, that they dreaded the regalia might, upon an invasion, fall into the hands of the heir of the house of Stuart ; it appears probable, that the regalia have been privately removed, by a secret order from the court ; for it is impossible that any governor of the castle would abstract them without authority. If, after this general surmise, so publicly thrown out, the officers of state, and governor of Edinburgh castle, will not make personal inquiry, whether the regalia of Scotland be still in the castle, the public will be entitled to conclude, *that they are no longer there*, and that they have been carried off by private orders from the court.

Besides the governor, fort-major, gunner, store-master, chaplain, &c. &c. there are always in this garrison a company of invalids, and four or five hundred men, belonging to some marching regiment ; but, within these few months, there were about a 1000 men in it.

Notwithstanding the natural strength of the castle, it is not able to withstand a siege properly conducted. None of the fortifications are of the modern kind, and no part of the castle, except the powder-magazine, is bomb-proof. The water, which is very bad, is served in scanty supply by a draw-well, upwards of an hundred feet deep ; and, in the event of a siege, the concussion of the rock, by the continued discharge of artillery, makes the water subside. This garrison has been frequently battered from Heriot's hospital, from Bearford's parks, and even from the Pleasance ; but such are the height and the distance, that the castle could not be attacked with effect from either of these quarters ; nor, does it appear, indeed, that a battery of cannon, from any quarter, but the street called the Castle-hill, could make much impression upon it. The garrison, however, could

could not withstand, for many hours, a well directed bombardment, no part but the powder magazine being bomb-proof, and the area of the Castle being almost entirely rock, whose splinters would double the destruction of an enemy's bomb-shells.

OF THE PARLIAMENT HOUSE.

Of old, when the powers of the crown were not defined, nor public justice respected, the city of Edinburgh suffered manifold oppression from the Sovereign. Among many instances of it, the city was, by the royal mandate, ordered to build, at her own expence, courts for the meeting of parliament, and the supreme judicatories of the nation. The parliament formerly met in the present Tolbooth, which was built by the citizens at the command of Queen Mary A. D. 1561. In the progress of refinement in manners, the grossness was discovered, of having the same apartments allotted for the high court of parliament, for the supreme courts of justice, and for the confinement of debtors and malefactors; and the city found herself under a necessity of raising a new building for the accommodation of the parliament.

The present parliament-house was begun A. D. 1631, and completed A. D. 1640, at the expence of eleven thousand six hundred pounds Sterling.

The parliament-house is built in the shape of the letter L. It is an hundred and thirty-three feet long, by ninety-eight broad, in the widest end, and sixty in the narrowest; and, from the singularity of the area on which it is reared, although the building be sixty feet high, yet, upon the north and east sides, which are the main fronts, it is but about forty feet above ground. The great hall is a hundred and twenty-two feet long, by forty-nine broad. The north end of this apartment is occupied by booksellers stalls; a slight timber partition, which runs half way up the wall, divides this from the apartment which was destined for the Scottish parliament. It must be observed,

observed, that the parliament of Scotland consisted but of *one house*, composed of *the three estates*, antiently of the Lords Spiritual, the Lords Temporal and Barons, and commissioners from the boroughs; but, after the revolution, of the Lords Temporal, the Barons or knights of the shire, and the Boroughs, who sat and voted together. On the south end of the room is an high throne, erected for the Sovereign, now the Lord Ordinary's* bench. Round the room are wooden seats, where the bishops and the nobility sat, now occupied by those who have business before the court. In the midst of the floor, there were forms for the representatives of the counties and boroughs. On the outside of a wooden partition is a pulpit, where sermons used to be preached to the parliament, and behind that, a small gallery, where those who were not members might hear the debates of the house. These now serve no other purpose but to accommodate the band of musick which performs on his Majesty's birth-day, when the Lord Provost of Edinburgh is entertaining the nobility and gentry with wine and sweet-meats. In the east wall of this room is a marble statue by Roubiliac, of the Lord President Forbes in his robes, erected by the † Faculty of Advocates.

Off this apartment is the Court of Session, with its lobby and robing room for the judges. The court-room is nearly square, well lighted, and, besides the seats for the judges, is accommodated with benches for the advocates and writers to the signet, and galleries for spectators. This court, in the size of the room, and dress of the judges, makes a better appearance than the courts of Westminster-hall. Above this room are the Court of Exchequer, and other apartments for the Barons, and other officers of that court, who, besides, have further accommodation in apartments in an adjacent building,

* One of the judges of the Court of Session sits alternately in this room, which is called the *Outer house*, for deciding of causes in the first instance. He is called the *Lord Ordinary*.

† Beneath the statue is the following inscription. ‘Duncano Forbes de Culloden, su-
premae in civilibus curiae Praefidi, judicii integerrimo, civi optimo, priscae virtutis viro,
* facultas juridica libens posuit, anno post obitum quinto C. N. M,DCC,LII.

building, called the *Treasury chambers*; because, formerly, the Lords of the Treasury used to meet in them, and also, the Lords of the Privy Council.

The undermost floor of the parliament-house is, upon the north and east sides, entirely under ground. It is laid out in six apartments, not very well suited to the purposes to which they are presently applied. In two of them, the public records of the nation are kept. The other four are generously bestowed by the town-council of Edinburgh on the Faculty of Advocates, for accommodating their magnificent library.

OF THE ADVOCATES LIBRARY.

This is a very valuable collection, and is managed upon principles, and with an attention which render it as useful, as it is valuable. The celebrated Sir George Mackenzie, Lord Advocate of Scotland, had the merit of projecting this institution, and of founding it A. D. 1682. For some time after its institution, no regular fund was appropriated to the use of the library; and it derived its support chiefly from donations made to it. The catalogue of noble, and even royal donors, evince how much it has been thought to deserve encouragement. As every advocate, at his admission, pays a certain sum to the faculty, part of this was allotted to supply the library; and, as the admission-money has been raised, the quota for the library has been increased proportionally. The statute of Queen Anne, which, for the encouragement of learning, vests in authors a literary property, or monopoly over their works, also aids this collection: For by this it is provided, that, to entitle the author to that monopoly, a copy of every book entered in Stationers-hall must be sent to the Advocates Library, as well as to the universities of the united kingdoms.

This collection amounts to upwards of thirty thousand volumes, in all sciences, and in many languages. Of these, a catalogue, in
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two volumes folio, of about six hundred pages each, has been made out. The first was published in A. D. 1742, by the learned Rudiman, who is the best antiquarian Scotland has produced, and by Mr Walter Goodall, keepers of this library. The second, consisting of its late acquisitions, was compiled, A. D. 1776, by Mr Alexander Brown, the present librarian, whose accuracy and obliging dispositions render his management of this library extremely acceptable to the proprietors. Both volumes are made out upon the plan of the *Bibliotheca Card. Imperialis*. It may not be amiss here to observe, that DAVID HUME was some time keeper of this library.

The books are lent out to the members of faculty in such a manner that the institution is more useful than that of any library we know.

Besides printed books, the faculty are in possession of a valuable collection of manuscripts, consisting of the registers of many of the Scottish monasteries, of illuminated missals, and of many volumes of original papers relating to the affairs of Scotland, as well as copies of others which have been preserved by Sir Robert Cotton, or are extant in the public offices in England. The faculty are also possessed of a collection of prints, which has, of late, been enriched by donations from some of the most celebrated engravers. It must, however, be confessed, that due attention has not been paid towards supplying the library with productions in this elegant branch of the fine arts.

Among other curiosities, the faculty are possessed of an entire mummy, preserved in its original chest. This was purchased by the late Earl of Morton, Lord Register of Scotland, at the expence of L. 300, and was by him presented to the faculty.

In A. D. 1705, the faculty purchased, and are still (as we have been told) in possession of a collection of coins and medals, to the number of between three and four thousand. These are partly Greek, Roman, Saxon, Scottish, and English. They are not in the custody of the librarian. For years, they have been as utterly lost

to the whole world, as if they had been buried in the deep. Not only are visitors withheld from inspecting them, but even the members of faculty cannot get access to them. Instances have been repeatedly made in the faculty, for rectifying such absurd management; but they have been always shifted with a fair answer and a simile, by those who assume to themselves the controul of the whole affairs of this society.

The parliament-house forms part of the south and west side of the square, which goes by that name; the west side of which is completed by the goldsmiths-hall. The north side is formed by the cathedral church of St Giles, disfigured by low booths, built adjoining to the walls of the church, possessed by jewellers. The east side, and part of the south, are occupied by houses of a vast height, being in their front six stories high; but, by reason of the inequality of the ground, on the back, or south side, eleven stories, besides garrets. In this square there is a fine equestrian statue in metal, of Charles II. The figure is in the Roman dress, holding in the right hand a truncheon. The execution of the whole is admirable. From the inaccuracy of the town-council register at that period, it does not appear by whom, or at whose expence this statue was made. The city, however, raised a pedestal for it, on * which the statue was erected, A. D. 1685; but upon the pedestal there is no inscription.

OF THE TOLBOOTH.

We have already observed, that the tolbooth was built by the citizens, A. D. 1561, and destined for the accommodation of the parliament and courts of justice, and for the confinement of debtors and malefactors. Such, however, is the change of manners, that now it is unfit for any of these purposes. Since A. D. 1640, this building has been used solely for a jail. The ground-floor, indeed,

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which

* Council reg. 7th January 1685.

which does not communicate with the rest of the building, is let out in shops. The three stories above are places of restraint, destined for the wretched. The abridgement of personal liberty hath ever been held one of the most odious restrictions upon the rights of mankind ; so, although disorders, inseparable from society, render it necessary to impose occasionally this odious restraint ; although, for the most part, it is not used for the punishment of delinquents, but for preventing their escape from justice ; yet such has been the inattention or inhumanity of legislators, and still more of those who are intrusted with the execution of the laws, that this preliminary to trial is the severest of punishments.

We do not think it possible, that a nation can attain to improvement in science, to refinement of taste, and in manners, without, at the same time, acquiring a refinement in their ideas of justice, and feelings of humanity. The codes of the criminal laws of most nations (our own in no ways excepted) are exceedingly barbarous. This is owing to their having been compiled when the respective nations were sunk in barbarity, were subjected to an absolute government, or were blinded with religious bigotry. But, although scarce any attention has been paid to the state of criminal jurisprudence, by revising the penal statutes ; yet, with the increasing mildness of manners, the officers * of the law have declined to raise prosecutions for inflicting those rigorous punishments.

The next step in the progress of humanity, is to abolish the frequency and tediousness of imprisonment, for trifling causes, still permitted by the law. It appears very inhumane, that a person should

* Trials by presentment or indictment by a grand jury, for capital offences, are not known in Scotland. The Lord Advocate may, of himself, form an indictment against any person, for any crime he chuses to pitch upon ; the person so accused must be put upon trial ; nor does it appear, that, supposing the prisoner to be acquitted by the jury, and that the accusation was calumnious, or even malicious, he could have an action of damages, or even for his expences. This is a dangerous power to be intrusted to an individual. However, no instances have occurred, for a long period, of this trust being abused from any selfish, and very few from political motives.

should suffer close imprisonment for many months, for no other cause than that he is owing a few pounds to a rigorous creditor; while, at the same time, the creditor can, by law, not only imprison the person of his debtor, but can attach all his effects, real and personal, for the payment of his debt. It has been provided, by the humanity of the law, that, after a person has lain thirty days in prison, he may, upon surrendering his whole effects, raise an action, by which he will be entitled to be liberated from jail; yet it frequently happens, (we know not how), that poor people will be detained in prison many months * for the most trifling sums. This tediousness of confinement is the more severe; because, in Scotland, a man's house is no protection to him; but, when a writ is issued against any one for debt, his house may be broke open at any hour of the night or day; because the Scottish prisons are not (like those of the King's Bench, Newgate, Lancaster castle, &c.) accommodated with an area, where the prisoners may enjoy the fresh air; but it seems the inhumane spirit of her laws breathes, that the more loathsome the prison, the fitter † for a debtor; and because a messenger or creditor is at liberty to indulge his ‡ caprice, in chusing out for his debtor, a prison the most loathsome and inconvenient.

The liberality and humanity of the English, in erecting so magnificent a building for a jail as Newgate, deserve the highest applause. The resolution, the humanity, and the attention of its present keeper, Mr Akerman, fulfilling the intentions of the legislature, are worthy of no less commendation. The state of Edinburgh tolbooth is far otherwise. There the austerity of the law, and the rigour of

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* Upon examining the reports made by the clerk of Edinburgh tolbooth to the magistrates, we found a person, then lying in jail, had been confined for five months. The debt booked against him was but L. 3. Such confinements (we found) were not uncommon.

† ‘ After a debtor is imprisoned, he ought not to be indulged with the benefit of the free air, either on his parole, or even under a guard; for every creditor has an interest that their debtor be kept under close confinement, that, by the *squalor carceris*, he may be brought to the payment of his just debt.’ *Erskine's Institutes of the law of Scotland*, p. 689.

‡ Stair's Inst. p. 748.

an unfeeling creditor, may be gratified, in their utmost extent. In the heart of a great city, it is not accommodated with ventilators, with water-pipe, with privy. The filth collected in the jail is thrown into a hole within the house, at the foot of a stair, which, it is pretended, communicates with a drain ; but, if so, it is so compleatly chocked, as to serve no other purpose but that of filling the jail with disagreeable stench. This is the more inexcusable, since, by making a drain to the north, over a very narrow street, such a declivity might be reached, that, with the help of water, of which there is command, the sewer might be kept perfectly clean. When we visited the jail, there were confined in it about twenty-nine prisoners, partly debtors, partly delinquents ; four or five were women, and there were five boys. Some of these had what is called *the freedom of the prison*, that is, not being confined to a single apartment. As these people had the liberty of going up and down stairs, they kept their rooms tolerably clean swept. They had beds belonging to themselves ; and, in one room, we observed a pot on the fire. But, wherever we found the prisoners confined to one apartment, whether on account of their delinquencies, or that they were unable to pay for a little freedom, the rooms were destitute of all accommodation, and very nasty. All parts of the jail were kept in a slovenly condition ; but the eastern quarter of it, (although we had fortified ourselves against the stench), was intolerable. This consisted of three apartments, each above the other. In what length of time these rooms, and the stairs leading to them, could have collected the quantity of filth which we saw in them, we cannot determine. The undermost of these apartments was empty. In the second, which is called *the iron room*, which is destined for those who have received sentence of death, there were three boys ; one of them might have been about fourteen, the others about twelve years of age. They had been confined about three weeks for thievish practices. In the corner of the room, we saw, shoved together, a quantity of dust, rags, and straw, the refuse of a long succession of criminals. The
straw

straw had been originally put in the room for them to lie upon, but had been suffered to remain till, worn by successive convicts, it was chopped into bits of two inches long. From this, we went to the apartment above, where were two miserable boys, not twelve years of age. But there we had no leisure for observation; for, no sooner was the door opened, than such an insufferable stench assailed us, from the stagnant and putrid air of the room, as, notwithstanding our precautions, utterly to overpower us.

Nothing but the habit of seeing prisoners in a wretched situation, influences the mind to behold such scenes unmoved. Nothing can be more inhumane than such treatment of prisoners. Does any gentleman use his horses or his dogs so? Would he not turn off the groom who was guilty of such cruel neglect.

Want of humanity is not the characteristic of the age in general, nor of the city of Edinburgh in particular. The institutions of the Charity work-house for reception of the poor, and of the Royal Infirmary for the relief of the diseased, are monuments of the contrary*. Why, then, shall the distress of prisoners alone, from whose situation calamity is inseparable, remain unalleviated? But orders, without end, may be pronounced with no manner of effect, if all is trusted to the jailor, if the magistrates of royal boroughs will not give themselves the trouble to inspect the prisons within their jurisdiction. To remedy the shameful defects in Edinburgh jail, already pointed out, if the Lord Provost and magistrates would inspect it, or if the members of the town-council would visit the jail once a week alternately, the trouble would not fall to the share of an individual above twice a year; and all these abuses would be corrected. The Lord Provost of Edinburgh is captain of the jail. Let it not be said that he never vindicates his office, but when instances of political necessity occur.

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* 'Naked, and ye clothed me; I was sick, and ye visited me: *I was in prison, and ye came unto me.*' St Matthew, chap. xxv. v. 36.

A gross abuse respecting this jail remains still to be mentioned. The jailor has a monopoly over the liquors and bread used in the prison. By this means, he may give them of what quality he pleases; he also exacts for them extravagant rates; for instance, whisky *, which, in public houses, is sold for two pence, or two pence halfpenny a gill, is there sold for three-pence. To make people who are confined for debt pay more for their provisions than those who are in opulence, and at their liberty, is the most preposterous cruelty; therefore, the quality of the provisions furnished, and the prices exacted by the jailor, ought to be carefully attended to by the magistrates.

There is a chaplain appointed to this prison, who has a salary of thirty pounds a year. It is his duty, in a special manner, to observe the state of the prison, and give information of every abuse.

OF THE CANONGATE TOLBOOTH.

In the middle of the street which goes by this name, is a courtroom for the magistrates of the Canongate, and a prison. These were built in the reign of James VI. Debtors of the better sort are † commonly taken to this prison, which is well aired, has some decent rooms, and is kept tolerably clean.

OF THE CROSS OF EDINBURGH.

The cross of Edinburgh was an antient structure of mixed architecture, partly Grecian, partly Gothick. The building was an octagon, of sixteen feet diameter, and about fifteen feet high, besides the

* Whisky is a spirituous liquor used by the poorer class of people in Scotland. Sometimes it is distilled from corn, sometimes from potatoes, sometimes from any vegetable trash that will ferment.

† On the front of the building is this inscription: 'J. R. 6. Justitia et pietas validae sunt principis arces.'

the pillar in the centre. At each angle, there was an Ionick pillar, from the top of which a species of Gothick bastion projected; and, between the columns, there were modern arches. Upon the top of the arch, fronting the Netherbow, the town's arms were cut, in the shape of a medallion, in rude workmanship. Over the other arches, heads also, cut in the shape of a medallion, are placed. These appear to be much older workmanship than the town's arms, or any other part of the cross. Four of them are preserved in the tower built at Deanhaugh by Mr Walter Ross writer to the signet. They are in *alto relievo*; the engraving is good, but the Gothick barbarity of the figures themselves bears the appearance of the lower empire. One of the heads is armed with a casque; another is adorned with a wreath, resembling a turban; a third has the hair turned upwards, from the roots towards the occiput, whence the ends of the hair stand out like points. This figure has over its left shoulder a twisted staff, probably intended for a sceptre. The fourth is the head of a woman, with some folds of linen artlessly wrapped round it.

The entry to this building was by a door fronting the Netherbow, which gave access to a stair in the inside, leading to a platform on the top of the building. From the platform, rose a column, consisting of one stone upwards of twenty feet high, and of eighteen inches diameter, spangled with thistles, and adorned with a Corinthian capital, upon the top of which was an Unicorn.

From the cross of Edinburgh, royal proclamations, and the more solemn denunciations of law, were published. There, also, before the art of printing, the mode of publishing acts of parliament was by the heralds reading them aloud from the cross.

When plans were formed for enlarging and beautifying the city, this building was reckoned to incommode the streets. It was accordingly removed on the 13th of March 1756, by order of the town-council, with concurrence of the Lords of session and judiciary. The place whereon it stood is marked, by the causeway being paved in the figure of an octagon, with radii diverging from a
stone

stone in the centre. Public proclamations continue to be made there. There also company daily resort, from one to three o'clock, for news, business, or meeting their acquaintances, nobody frequenting the exchange. Four of the heads which were over the arches in the cross, are built up in Mr Ross's tower, as has been already observed. The pillar is preserved in Lord Sommerville's park, in the neighbourhood of Edinburgh.

There was another cross in the Canongate, opposite to St John's-street, called St John's-cross; a third opposite to the Canongate-church, now erected close to the walls of the tolbooth; and a fourth called the *Girth cross*, from its being the boundary of the sanctuary.

OF THE TOWN GUARD-HOUSE.

If the cross was removed as a nuisance, a much greater one is allowed to remain, the town guard-house, a huge mishapen hulk. This, we understand, is speedily to be removed; nor can there be any excuse for allowing it longer to incumber the streets, since the building, presently erecting by the town-council, on the west side of the bridge, will afford good accommodation for the town-guard, is central in its situation, in case of fire, or other occasions of disturbance, and will be very well adapted for the confinement of nocturnal rioters.

OF THE WEIGH-HOUSE.

At that part of the high-street where the Lawn-market terminates, and the Castle-hill begins, a public weigh-house is situated in the middle of the street, for weighing goods. This building was formerly accommodated with a spire, in which there was a clock. These were removed about a hundred years ago, (one would be tempted to conclude), for no other reason, but because they served, in some shape, to ornament a clumsy building, which incommodes the street, and ought to be pulled down as a nuisance.

Or

OF THE PALACE OF HOLYROOD-HOUSE.

This building has undergone various changes, none of what now remains can lay claim to antiquity, the ruins of the chapel excepted. The north-west towers were built for a royal residence, by James V. whose name is to be seen at the bottom of a niche, in the north-west tower of the palace. It was burned by the English, in the minority of Mary Queen of Scots, but was speedily repaired. It then became a larger building than the present, and consisted of five courts. The westmost, which was the outermost court, was larger than all the rest. It was bounded on the east by the front of the palace, which occupied the same space with its present front, and also extended further south. The three remaining sides of the outer-court were bounded by walls; and, at the north-west corner, there was a strong gate, with Gothick pillars, arches, and towers, part of which has been pulled down within these thirty years. The next court occupied the same with the present central court of the royal palace, and was surrounded with buildings. On the south there were two smaller courts, also surrounded with buildings; and there was another court on the east, which was bounded on the north by the chapel royal, on the west by a * line of buildings covering the same space with the present east front of the palace. On the south, by a row of buildings which are now demolished, and on the north by a wall which divided it from St Ann's yards. Great part of this palace was burned by Cromwell's soldiers. It was ordered to be repaired at the restoration. Accordingly the present magnificent fabrick was designed by Sir William Bruce, a celebrated architect, in the reign of Charles II. and executed by Robert Mylne mason.

The palace of Holyrood-house bears a resemblance to that of Hampton court. It is of a quadrangular form, with a court in the

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centre,

* Gordon's map of Edinburgh, A. D. 1646.

centre, furrounded with piazzas. The front is two stories high, and flat in the roof; but, at each end where the front projects, and is ornamented with circular towers at the angles, the building is much higher; the rest of the palace is three stories high. Over the door, in the front of the palace, is a small cupola for a clock, the roof of which is an imperial crown in stone-work.

The only apartments which are worth viewing, are those possessed by the Duke of Hamilton, heritable keeper of the palace. These occupy all that remains of the old palace. The young Chevalier lodged in them during his residence in Edinburgh, and a few weeks afterwards, the Duke of Cumberland occupied the same apartments, and the very same bed, which is still standing. In the second floor are Queen Mary's apartments, in one of which her own bed still remains. It is of crimson damask, bordered with green silk tassels and fringes, and is now almost in tatters. The cornice of the bed is of open figured work, in the present taste; but more light in the execution than any modern one we have seen. Close to the floor of this room, a piece of wainscot, about a yard square, hangs upon hinges, and opens a passage to a trap-stair which communicates with the apartment beneath. Through this passage Lord Darnley, and the other conspirators*, rushed in to murder Riccio. The Queen was then supping with the Countess of Argyle and Riccio, in attendance, in a closet off her bed-chamber, about twelve feet square, the present north-west tower of the palace. Riccio was pushed out of the closet, dragged through the bed-chamber, into the chamber of presence, where, being pierced with redoubled wounds†, he expired.

Those chambers which are called the royal apartments, occupy three sides of the square on the first floor. On the north is a spacious gallery, of which, however, the height bears no proportion to the

* Robertson's hist. of Scotland, appen. No. 15. to vol. 1.

† Towards the outward door of this apartment, there are, in the floor, large dusky spots, said to have been occasioned by Riccio's blood staining the floor, which washing of the boards has not been able to take out.

the length. This apartment is entirely hung with pictures of a race of a hundred and eleven monarchs, through an imaginary series of upwards of two thousand years. The folly of the legend, and the baseness of the execution, in portraying these monarchs, whether real or imaginary, would make it for the honour of the country that they were utterly destroyed. We saw, indeed, that an attempt had been made at their destruction, which was not easily to be accounted for. Not only were most of them hacked and flashed, but in many of them large pieces cut out. This we afterwards learned was owing to General Hawley's having thought proper, after the defeat of the King's army at Falkirk, to quarter his troops in the gallery of this palace, and these *well disciplined troops* thought they could not better manifest their loyalty to King George, than by defacing, and hewing in pieces, every representation of the Scottish monarchs*.

We afterwards went through a suit of rooms, one of which has been intended for a state bed-chamber, and the two next for a drawing room and dining room. In the last of these, we saw some wooden forms; and, upon inquiring what purpose they served, were told, that it was to accommodate the Scottish peerage, as the election of *the sixteen* was held in that apartment. In this suit, the rooms are wainscotted with oak; the festoons of flowers and foliage over the doors and mantle pieces are well executed; but the stucco ornaments of the roofs, similar to all those of that period, are heavy. The apartments on the south side of the square have never been finished but in a very pityful manner. We found them made use of as lumber rooms for some of the nobility, who have lodgings within the palace.

We had heard of a picture of Charles I. and his Queen, being in what is called Lord Dunmore's lodgings, which induced us to visit

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them.

* This was comparatively a modest testimonial of loyalty. *The same gallant troops*, about a fortnight afterwards, were quartered in the royal palace of Linlithgow. After receiving a night's lodging in it, they were pleased to burn it to the ground.

them. The apartments are few, of a pityful size, miserably finished, and no furniture in them, except the picture already mentioned, and those of their present Majesties. That picture represents Charles I. and his Queen, in a sort of Vandyke riding habit, as going out a hunting, attended by a dwarf, spaniels, &c. The figure of the King is done in a masterly manner; but the painter has not bestowed on Henrietta those graces which she possessed. The Queen's palfrey, led by a negroe, and a horse for his Majesty, are also introduced. But the palfrey is out of all shape and proportion, the body being by much too gross for the size of the horse. The pictures of their present Majesties are full length portraits by Ramsay.

This magnificent palace is of no use whatever, except the part which is occupied by the Duke of Hamilton; and the whole is falling into decay for want of being possessed, and kept in repair. That it is to be even of temporary use to the royal family, is a prospect with which Scotland does not flatter herself. To what use, then, ought this palace to be applied? To a purpose highly beneficial, and for which a building of this sort is much wanted, to the use of the College. The College is composed of a set of very mean buildings, neither fit to accommodate, nor suited to the dignity of such an University. The city of Edinburgh is so embarrassed in her funds, that it is impossible for her to advance a sum sufficient to build a new College. We have seen already, that Edinburgh has, on former occasions, been obliged to rear very expensive buildings for the accommodation of the state. It is, then, but retribution, that the government should bestow on the city a building of no use to the state, but which, thus applied, will be conducive to the purposes of science, to which its retired situation is excellently adapted. If this measure should not be embraced, two consequences seem probable, that Edinburgh will not be accommodated with a College, and that the palace of Holyrood-house, like the chapel, will go to ruin. For these reasons, it would seem advisable, that Holyrood-house was vested in

in the town-council of Edinburgh for the purpose of a College, the buildings to be perpetually kept up at the city's expence ; and, by reserving * to the Duke of Hamilton the lodgings possessed by him, a temporary accommodation would be provided for any of the royal family who may incline to visit the capital of Scotland.

The environs of the palace afford an asylum for insolvent debtors. Adjoining to it, there is an extensive park, first inclosed by James V. all of which is a sanctuary. This is a very singular piece of ground, to be in the near neighbourhood of a populous city. It is little else than an assemblage of hills, rocks, precipices, morasses, and lakes. In the memory of people not long since dead, the level-strip, at the foot of the hill, which, from the Duke of York's having delighted to walk in it, bears the name of *the Duke's walk*, was covered with tall oaks. But now, there is hardly a single tree in its whole boundaries. Indeed, it is extremely doubtful, if, except at the bottom, there were ever any trees on these hills, the height of the ground, and barrenness of the soil, being very unfavourable for their growth.

The most considerable of these hills are called Arthur's-seat, and Salisbury-craigs. The genius of modern criticism has displayed itself, in deriving all Scots names from the Earle ; and the profound criticks, under a grave mask of ingenuity, argue learnedly upon the derivation of names, from certain words, in a language of which they do not understand, and perhaps cannot pronounce, one syllable. We are not able to combat those champions with their own weapons. But, after all, the learned derivations of *Arthur's-seat*, and *Salisbury's-craigs*, we must be pardoned for supposing the former to be derived from Arthur, the British Prince, who †, in the end of the sixth century, defeated the Saxons in that neighbourhood ; and the latter, to take their name from the Earl of Salisbury, who, in the reign of Edward III. accompanied that Prince in an expedition against the Scots. What makes the latter of these the more probable,

* In this event, the Duke of Hamilton, and his heirs and successors, as heritable keepers of the palace, might be empowered to see that it should be kept in due repair.

† Whitaker's history, v. 2. p. 54.

bable, is, that, in old authors, the name of these hills is indifferently spelled, *Salisbury and Sarezbury* ; so also is the name of that Lord.

Arthur's-seat, the largest of these hills, rises by a steep and rugged ascent, till it terminates in a rocky point, seven hundred feet high from the base. Upon the west, are Salisbury-craigs, which present to the city an awful front of broken rocks and precipices, forming a sort of natural amphitheatre of solid rock. Among these rocks, are rich ores, spar, and great variety of rock plants ; so that they are an excellent field for the naturalist. Sometimes, also, amethysts, and other precious stones, have been found among them. But the rocks themselves are far more valuable, affording an inexhaustible supply of hard stone for paving the streets ; and of these stones, considerable quantities are sent for paving the streets of London. Between Arthur's-seat and Salisbury-craigs is a reclusé valley, the bottom of which is a morass. Immediately upon descending into this valley, the view of Edinburgh is totally lost ; the imperial prospect of the city and castle, which these rocks in a manner overhang, is intercepted by Salisbury-craigs. Seldom are human beings to be met in this lonely vale, or any creatures to be seen, but the sheep feeding on the mountain, and the hawks and ravens winging their flight among the rocks. After the eye passes the ruins of St Anthony's chapel, at a distance beneath, are seen a magnificent mausoleum, and the ruins of the church of Restalrig, and the fields gently sloping to the Forth. The town of Leith, the navigation in the river, and the Island of Inchkeith, enliven the prospect which is terminated by the bold shores, and mountainous parts of Fife.

On the south, Arthur's-seat is in many parts a perpendicular rock, composed of natural pillars, regularly pentagonal, or hexagonal, about three feet in diameter, and from forty to fifty feet high. At the bottom of the rock, is a lake belonging to the Earl of Abercorn, called Dudingston loch ; beyond it, are seen his Lordship's elegant villa, Craigmillar castle, the village of Inveresk, Musselburgh bay, the

the southern banks of the Forth ; and, at a great distance, North Berwick Law, like a vast cone seeming to rise from the waves.

OF THE ROYAL EXCHANGE.

With the increasing opulence of the nation, and populousness of Edinburgh, the citizens felt, with additional severity, the inconvenience they had long laboured under, of being straitened in space, for lodging of private families, and destitute of public buildings necessary for accommodating those societies which assemble in populous cities, to direct the business of the country, and provide for its general welfare. Men of taste, rank, and opulence, displayed a patriotick exertion of spirit for the improvement of the capital ; the royal boroughs promoted liberally the advancement of their antient metropolis ; and the authority of parliament was interposed for enlarging and beautifying * the city of Edinburgh.

In prosecution of this general plan of improvement, the commissioners † appointed by parliament for carrying these purposes into execution, thought it advisable to begin with building an exchange for the accommodation of merchants. To this effect they empowered the town-council to contract with tradesmen for the building ; and the area on the north side of the cross, then occupied by ruinous houses, was pitched upon as most suitable for the purpose.

The foundation of the intended building was laid with great formality on the 13th September 1753. George Drummond, Esq; then Grand Master of the Free Masons, whose memory, as a patriotick magistrate, will ever be revered by the citizens, performing the principal part in this ceremony. To add to its solemnity, a triumphal ‡ arch, theatres for the magistrates, and officers of the grand lodge,

* George II. an. 26. c. 36. † These commissioners were chosen from among the nobility who patronised the scheme, from the different bodies composing the college of justice, and from the town council of Edinburgh. ‡ Council reg. 12th June 1754. Scots mag. v. 15. p. 425. vol. 16. p. 409.

lodge, and galleries for the other lodges and spectators, were erected upon the occasion. The contract, however, for carrying on the building, was not settled till the 12th of June 1754, and next day the work was begun.

The Exchange is a large and elegant building, of a square figure, with a court in the centre. The principal part of the building forms the north side of the square, and extends from east to west an hundred and eleven feet over wall, by fifty-one feet broad. Pillars and arches supporting a platform, run along the south front which faces the square, and form a piazza. In the centre, four Corinthian pillars, whose bases rest upon the platform, support a pediment, on which the arms of the city of Edinburgh are engraved. This building is to the south or main front sixty, but, by reason of the extreme inequality of surface, is, to the north, an hundred feet high. The first floor of the main front is laid out in shops. The upper floors are occupied by the board of customs, who have upwards of twenty apartments; for these they pay to the city a rent of L. 360 a-year. The access to these apartments is by a hanging stair, of which the well is twenty feet square, and sixty feet deep.

From each end of the principal building, two wings extend themselves southwards a hundred and thirty-one feet; but, if the breadth of the principal building is also reckoned, the extreme dimensions of the whole amount to one hundred and eighty-two feet south and north, by one hundred and eleven feet east and west, upon the north front; but, upon the south front, a hundred and forty-seven. The south side of the square is formed by a light colonnade, about twenty-five feet high, with a platform on the top, adorned with pilasters and vases. The centre arch under the colonnade, is the entry to the court; the other arches are built up, and let out in shops. The court itself, surrounded by these buildings, is, in its dimensions, ninety-six feet south and north, including the piazza, by eighty-six east and west. The expence of the whole building, including the price paid for the area, amounted to L. 31457 Sterling.

ling. It is somewhat remarkable, that, although the north front of the Exchange is a building of hewn stone, upwards of an hundred feet square, there is not a rent or crack perceivable in the whole.

OF THE BRIDGE, AND OF THE EXTENDED ROYALTY.

The Exchange being finished, the next object to which the magistrates of Edinburgh, and the trustees appointed by parliament for the improvement of the city, turned their attention, was to build a bridge of communication with the fields on the north, and to obtain over them an extension of the royalty. These were part of the original plan proposed for the improvement of the city, A. D. 1752; and to assist the magistrates in effectuating these measures, the trustees made over to them a balance of L. 3000, which then remained in the hands of the trustees, after what they had advanced towards building the Exchange. But the first steps towards carrying these measures into execution, were moved A. D. 1759. At that time the magistrates of Edinburgh prepared the draught of a bill, to be laid before the parliament for the extension of the royalty, which they thought it essential for them to obtain before the building of a bridge. They desisted, however, from the intended application, in consequence of the opposition to it, formed by the landholders in the county: By those very gentlemen, who, afterwards, upon the bridge being built, and royalty extended, prepared for the citizens a scheme of unparalleled oppression, by proposing to exact new and additional tolls, on all quarters of the city, for the purpose of building a bridge of communication to the south, on such terms as behoved to ruin the property in the antient and extended royalties, and in a manner to render them desolate.

The magistrates of Edinburgh, defeated in their purpose of obtaining an extension of the royalty, set themselves about building a bridge without it. Accordingly, in A. D. 1763, the North Loch was drained, and the mud removed, in order to the finding a proper

foundation. The first stone was laid by George Drummond, Esq; Lord Provost of Edinburgh, on the 21st of October 1763; but the contract for building the bridge was not signed till the 21st August 1765. The parties to this contract were the town-council of Edinburgh, and William Mylne architect, brother to the person who built Blackfriars bridge. By this agreement Mr Mylne became bound to build a bridge of communication between the high-street and the fields on the north, for the sum of L. 10140 Sterling. The work was to be compleated before Martinmas 1769, and Mr Mylne engaged to uphold it for ten years. A wonderful infatuation and misfortune have attended the magistrates of Edinburgh in all their conduct respecting the bridge and the extended royalty. It was suggested by one of the city-clerks, that an overseer should be appointed to superintend the work. This the chief magistrate, for the time, spurned at, as an indignity offered to Mr Mylne, and as such it was rejected. Mr Mylne proceeded with his work. He had well nigh compleated it by the time specified, when, on the 3d August 1769, the vaults, and side-walls on the south end of the bridge, gave way, and five people were buried in the ruins.

Three eminent architects were immediately consulted upon the cause of this misfortune, and the mode of repairing the bridge. They gave in a report accordingly; but, at that time, they had only discovered the more palpable cause of the tumbling of the bridge, namely, the immense undigested mass of earth which was piled upon the vaults and arches, in order to raise the bridge to a proper level. For this purpose, the greater load of earth became necessary, as Mr Mylne, either from an error in taking the altitude, or with a view to save money, had fallen short eight feet in the height of the piers stipulated by contract. The other cause of the downfall of the bridge was the insufficiency of the foundation. We have had occasion, repeatedly, to remark the inequality of the surface in the city of Edinburgh; now, when the houses on the north
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of the high-street, had long ago been built, those who dug the foundations would naturally throw the earth north from them into the hollow waste. By this means, and by the rubbish accumulated in the course of time, the ground on the north side of the town was, to a considerable depth, not natural, but travelled earth. It would appear that Mr Mylne, not adverting to these circumstances, and entertaining no suspicion of any difficulty about the foundation in that part, had trusted it to his workmen, who, in digging for the foundation, stopped short when there were *eight feet deep* * of travelled earth between the foundation and the natural solid mass.

The bridge was relieved and repaired, by pulling down the side-walls in some parts, and rebuilding them; and, in others, by strengthening them with chain bars; by removing the vast load of earth laid upon the bridge, and supplying its place with hollow arches thrown between the convex sides of the great arches; by raising the walls that went across the bridge to an additional height, so that the vaults springing from them might bring the road to a proper elevation, without much covering of earth; by throwing an arch of relief over the small south arch, which was shattered; and, as there were rents in the walls, or at least as they had gone off the line at both ends of the bridge, the whole is supported by very strong buttresses and counterforts at the south end, upon each side of the bridge, and upon which houses are erected; but, at the north, there is a counterfort only upon the east side.

The bridge being thus fortified, there need be no apprehensions about its security. The bridge itself was made passable A. D. 1772, but the south-west counterfort is but presently (1778) building. The expence of the whole has already amounted to L. 17,354.

Its dimensions are as follow: Width of the three great arches 72 feet each; breadth or thickness of the piers $13\frac{1}{2}$ each; width of the small arches 20 each. Total length of piers and arches 310 feet.

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Length

* The buttress, or counterfort, presently building on the west side of the bridge, is founded *ten feet deeper than the foundation of the bridge.*

Length of the bridge from the high-street to Prince's street 1125 feet; height of the great arches from the top of the parapet to the base 68; breadth of the bridge within wall over the arches 40; breadth at each end 50 feet.

Although the magistrates of Edinburgh were disappointed in their first endeavours to obtain an extension of the royalty, they did not relinquish the attempt; and the propriety, or rather necessity, of the measure being obvious, the gentlemen of the county dropped their opposition. An act was accordingly passed * in A. D. 1767, extending the royalty over the fields on the north of the city. Advertisements were, at the same time, published by the magistrates, desiring plans to be given in, conform to which buildings might be erected in the most regular, handsome, and commodious manner.

Plans being lodged accordingly, that designed by Mr James Craig architect was approven of, and adopted. An engraving of the plan was published by authority of the magistrates; the original lay upon the council-table; and the public were invited to purchase lots from the town-council, and were taken bound to build conform to the lines and regulations established by the plan. Never did the public harbour a notion, that, when individual purchasers were bound to observe certain rules in their building, conducive to the general beauty and uniformity, the town-council were at liberty to depart from the plan they had adopted, and to hurt the properties of individuals, by destroying the beauty of the whole. Never did they suppose, that a magistracy, which, for a number of years, had exerted the most spirited endeavours to improve and adorn the city, by the aid of national contribution, and parliamentary authority, could, for a wretched gain, ruin the principal object which they had pursued. Never did the idea occur to them, that the plan hung out to the public, bearing a reference to a particular act of council, and the act of council itself, were at variance. This, however, was the case.

After

* Geo. III. an. 7. c. 27.; Council reg. 21st August 1765; Scots mag. v. 31. p. 461.

After many gentlemen had feued* areas from the town, and built genteel houses upon the faith of the plan, they observed the spot which in the plan was delineated into terraces, and a canal, rise in mean and irregular buildings, and work-houses for tradesmen. When this deviation was complained of, the clause in the act of council, reserving liberty to the town to build upon the spot delineated into terraces, was read to the complainers, and they were laughed at for their credulity. The purchasers in the extended royalty brought an action before the Court of Session against the town-council, praying, that the authority of the court might be interposed, for putting a stop to what they deemed a violation of public faith, to the injury of their property. That court, however, did not enter into the ideas of the complainers, nor afford them redress, but deemed the act of council to be the regulating standard, allowing the plan signed by the Lord Provost to pass for no more than a decoy. The liberal and extensive ideas of Lord Mansfield were far different. The House of Lords, upon an appeal, reversed the sentence of the Court of Session, and remitted the cause to them. After an expensive litigation, differences were compromised, chiefly by the mediation of Mr Stodart, then Lord Provost of Edinburgh, who, in every thing respecting public works, and the improvement and decoration of the city, showed himself an excellent magistrate. This compromise was established by the form † of a decret-arbitral. By this it was provided, that, on the south side of Prince's street, there should be no buildings from a point as far west from the intended street, called in the plan Hanover street, as the large building on the south side of Prince's street, fronting the north and west, is east from St Andrew's street. The intermediate spaces were appointed to be laid out in terraces and a canal; but the time of disposing

* To *feu* is a mode of holding property very common in Scotland, by which the purchaser holds his land of a subject-superior, to whom, besides the price he pays in hand, he gives a perpetual yearly acknowledgement, which is termed *feu-duty*.

† Council reg. 20th March 1776.

posing the ground in that order was referred to the Lord President of the Court of Session, and the Lord Chief Baron of Exchequer.

The unfortunate downfall of the bridge, with the dispute between the town-council of Edinburgh and the feuers in the extended royalty, behoved to retard the progress of *the New Town*. But another piece of very great imprudence in the magistrates left space for the citizens to build elsewhere.

The public taxes exigible by the town-council of Edinburgh are, no doubt, a hardship upon the citizens ; but the imposition of them was unavoidably necessary, to discharge the debts the city had incurred in consequence of many expensive public works, of the former tyrannical exactions of government, of the monstrous rapacity of Lauderdale, and the gross peculation of the city-clerks of Edinburgh during his administration, who had aptly imbibed the example set them by that master in tyranny and extortion. There was a space of ground on the south side of the town, to the extent of twenty-six English acres, which the town-council had an opportunity to purchase for L. 1200 ; which, however, they neglected. No sooner was it bought by a private person for the purpose of its being feued out in lots for building upon, than they saw the consequences, and offered Mr Brown, the purchaser, L. 2000 to give up the subject. But, as Mr Brown demanded L. 20,000 for it, there was an end of the transaction. As the builders in that area were not liable to the public burthens of the city, people preferred the lots in the south to those in the New Town, where, besides the public taxes, the feuers would be exposed to the danger of what was then deemed a crazy bridge, and to an expensive litigation with the magistrates, who appeared to have adopted every measure recommended, by its tendency, to discourage and oppress those who purchased lots in the extended royalty.

Notwithstanding these discouragements, the progress of the New Town has been rapid. The buildings along Prince's street have run

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to a considerable length. St Andrews * square, and the streets connected with it, are almost compleat. Indeed, the natural advantages of the situation, joined to the regulation of the whole being built conform to a regular and beautiful plan, give the extended royalty a superiority over any city in Great Britain. The area is level ; yet, on each side, there is a declivity, which gives an opportunity of making proper common sewers, which are made accordingly. The prospect from the New Town is as beautiful as almost any country can afford. There is a supply of excellent water from the general reservoir ; and, in the neighbourhood, there is an inexhaustible fund of free and whin-stone quarries, the first for building houses, the last for paving the streets. The New Town, however, is, in a special manner, exposed to very violent winds, which rage in Edinburgh with incredible fury. Houses blown down, large trees torn up by the roots, people carried off their feet, and beat down upon the pavement, are no uncommon circumstances in Edinburgh. It will hardly be credited, that, on Saturday the third of January 1778, the Leith guard, consisting of a serjeant and twelve men of the 70th regiment, were, all of them, blown off the Castle-hill, and some of them sorely hurt.

With the advantages formerly mentioned, *St Andrews-square* is the finest square we ever saw. Its dimensions, indeed, are small, when compared with those in London ; but the houses are much of a size. They are of an uniform height ; are all built of free stone ; and Sir Laurence Dundas's house †, which is in the centre of the east side of the square, off the line of the other buildings, and having a
court

* The dimensions of St Andrews square are about 510 by 520 feet.

† The design of this house was by Sir William Chambers; the execution by Mr William Jamieson mason. Upon the north end a house is built by Mr Crosbie advocate, with large Ionick columns, which answers as a wing to Sir Laurence's house. It is to be hoped, that, when the magistrates dispose of the correspondent area on the south end, they will take care to preserve uniformity, by making the house, to be raised on it, be built after the design of Mr Crosbie's.

court before it, is incomparably the handsomest town-house we ever saw.

OF THE REGISTER-OFFICE.

The public records of Scotland have suffered a variety of disasters. Edward I. after having almost subdued the kingdom, desirous to assert his feudal superiority over it, and willing that no marks of its former independency should remain, carried off or destroyed its antient records. Those which had been collected between the days of that crafty prince, and the usurpation of Cromwell, after the latter had subdued Scotland by a more compleat conquest, and regulated it with a gentler sway, were mostly sent by him to the tower of London. Upon the restoration, many of those papers were sent down by sea to Scotland; one of the vessels was shipwrecked, and the records, which, in other vessels, came safe to Edinburgh, have either been allowed to remain, till this hour, in their original package, or have been crowded together in much confusion, owing to the want of proper places for their disposal and arrangement.

June 26.
1765.

The public archives being mostly kept in apartments under ground, or in wooden houses, the late Earl of Morton, Lord Register of Scotland, observing the inconveniency and danger attending that mode of keeping them, obtained L. 12000 out of the forfeited estates, by a grant from his Majesty. This sum having lain at interest since A. D. 1765, and a design for a general repository for the records of Scotland having been made out by Robert Adam, Esq; architect, the foundation-stone of this building was laid on the 27th of June 1774, by Lord Frederick Campbell, Lord Register, Mr Montgomery of Stanhope * Lord Advocate, and Mr Miller of Bar-kimming

* Upon a brass plate put into the foundation-stone, there is the following inscription: 'CONSERVANDIS TABULIS PUBLICIS POSITUM EST, ANNO M,DCCLXXIV. MUNIFICENTIA 'OPTIMI ET PIENTISSIMI PRINCIPIS GEORGII TERTII.' In a glass vase, hermetically sealed, also placed in the foundation-stone, there are deposited specimens of the different coins of his present Majesty.

skimming Lord Justice Clerk, three of the trustees appointed by his Majesty, for carrying the work into execution. The ceremony was performed under a discharge of artillery, in presence of the Lord Provost and magistrates, the judges of the courts of session and exchequer, and an immense number of spectators, who were speedily to drop into oblivion, while the building, whose foundation they witnessed, shall remain a monument to distant posterity.

This we consider as by far the most beautiful of Mr Adams's designs. Most of the plans of this eminent architect, either from justice not being done them in the execution, or from the choice of materials, of which the fabricks are composed, appear far more * beautiful in the drawing, than when realized ; but the reverse is the case with the register office, which excells the ideas we form of it from the plan. Although the work is not yet compleated †, in the following description we speak of it as finished.

The front of the building, which is forty feet back from the line of Prince's-street, and directly facing the bridge, extends from east to west 200 feet ; and, when the supplementary part of the plan shall be compleated, it will be 200 feet square. In the middle of the front there is a small projection of three windows in breadth, where four Corinthian pilasters support a pediment, in the centre of which are the arms of Great Britain. At each end there is a tower projecting a little beyond the rest of the building, having a Venetian window in front, and cupola on the top ; and the front is ornamented, from end to end, with a beautiful Corinthian entablature. In the centre of the building is a dome of wooden work, covered with lead ; the inside is disposed into a saloon of fifty feet diameter,

S f

and

* Of this, we apprehend, the buildings in the Adelphi, London, afford a striking instance.

† This building has been carried on under the inspection of Mr Salisbury mason, who has bestowed the utmost attention in the choice of materials, and upon the execution of the work ; so that, in these articles, as well as in the beauty of the design, it is inferior to no modern building whatever.

and eighty high, lighted from the top by a copper window of fifteen feet diameter. The roof is divided into compartments, elegantly ornamented with stucco-work. There are arches in the wall disposed into presses for holding of the records; the access to them is by a gallery, which runs around the whole apartment.

The Lord Register's room is also a handsome apartment. Its dimensions are 35 feet by 24, and 23 high. There are two handsome stair-cases leading to the different chambers where the national records are kept, and the clerks in the public offices accommodated. The number of these apartments, besides passages, stair-cases, and water-closets, is ninety-seven. They are all vaulted beneath, and warmed with fire-places. The expence of the whole, when finished, is estimated at L. 25000.

OF THE PHYSICIANS LIBRARY.

The Royal College of Physicians of Edinburgh was incorporated by a charter of Charles II. of the 29th November 1681, which was ratified * by parliament A. D. 1685. We had occasion formerly to remark † the wretched state of the medical science at that period. By this charter and ratification, the members of the Royal College are granted an exclusive privilege of practising medicine in Edinburgh, of making bye-laws for the regulation of their society, and other privileges and immunities. It is further provided by this statute, that the Royal College *shall, at least twice a year, visit all the apothecaries shops within the city and liberties of Edinburgh, and destroy all insufficient and corrupted drugs*: This part of their duty, however, they, for a long time, have omitted.

The College of Physicians had formerly a meeting-room, and some other property, near the Cowgate-port; but the house having become ruinous, they did not chuse to build in that situation: They, therefore, disposed of the ground to the gentlemen of the episcopal communion

* Act James VII. par. 1. sess. 1. 16th June 1685.

† Book 1. c. 4. prop. fin.

communion in Edinburgh, who have there erected *the English chapel*.

The College of Physicians feued from the town of Edinburgh a large area, in the centre of one of the divisions of George's-street, in the extended royalty, on which they have erected a magnificent hall, the design of Mr Craig, who planned the New Town. The foundation-stone was laid by Doctor Cullen, assisted by all the medical professors, 27th November 1775. This building extends upwards of eighty feet in front. It is adorned with a portico, the pediment of which is supported by four superb Corinthian columns, which stand at the distance of six feet from the wall. The platform on which they are erected, is about seven feet above the level of the street, and the ascent to it is by a flight of steps thirty feet wide.

The under floor contains lodging for a librarian and porter, and some other apartments. The second floor, to which the entry is by the stair leading to the portico, consists of four apartments, a lobby, which is a cube of thirty-five feet, lighted by five windows, two on a level with the door, and three above. On the right hand is a room of twenty-four feet by eighteen, and fourteen high; and on the left, another of the same dimensions. One of these apartments is intended for the ordinary meetings of the college; the other for a waiting-room to accommodate those who may have business with the college at their meetings: But the principal apartment is destined for the reception of the library, and the different curious productions belonging to this society. This room is upwards of fifty feet long, by thirty broad, and twenty high. It is lighted by two rows of windows, five in each row, and on three sides is surrounded with a gallery. Besides these, there are some smaller apartments where the members of the college may read or write, when they borrow books from the library which they do not chuse to carry home with them.

The library contains many valuable books, chiefly in natural history, the greatest part of which belonged to Dr Wright of Kerrie; and, upon his death, a donation was made of them by his heir, to the college, in consequence of an inclination, to that effect, expressed by the deceased.

OF THE SUBURBS OF EDINBURGH.

It may not be amiss to say a few words respecting such of the suburbs of Edinburgh as we could not conveniently introduce in the general description of the city. Of these the chief are George's-square, and its environs, the Pleasance, the Calton, and Portsburgh.

Except a narrow mean street called Potterrow, and a very short one called Bristo, there were, till within these twelve years, hardly any buildings on the south side of the town. In our account of the bridge and extended royalty, we have already explained the inducements which led people to build in that quarter. These may be all comprehended under one article, namely, the multiplied series of misconduct and misfortune, which gave discouragement from building within the extended royalty. George's square was begun A. D. 1766. Three sides of it are now compleat; and the fourth, which is the south side, begun. The dimensions of the square are six hundred and seventy, by five hundred feet. The upper side of the square fronts the south, to which the ground falls with a gentle declivity. But the buildings in this row have a poor appearance, and give a bad effect to the whole. They are of a mean and unequal height, but mostly consisting only of a sunk floor, principal floor, and attic storey. The construction of the vents is by no means good, and the walls are built partly of blue whin, partly of free stone, put alternately in a chequered figure, resembling the stuff that sailors shirts are made of, and having, upon the whole, a very bad effect.

effect. The houses on the east and west sides are handsome buildings, of a good and regular height, of free polished stone.

The inhabitants of this square have the convenience of immediate access to agreeable walks in the Meadows. There are several avenues to the square, such as Charles-street, Chrichton-street, &c. all of them laid out by Mr Brown. On the south of the square, is a considerable property, not yet occupied, also belonging to Mr Brown. This he has designed for a street eight hundred feet long, and a hundred feet broad, to be called Buccleugh-street. Commissioners are appointed by statute for the purpose of cleansing *, lighting, and watching these streets. In order to defray the necessary expence, they are impowered to levy from the inhabitants a sum, at the utmost not exceeding one shilling in the pound of their respective real rents.

On the east side of the Potterrow is a street called Nicolson-street, from Lady Nicolson deceased, to whom these lands belonged. On each side of the street are good houses; but they are mostly detached from each other, the whole commanding a beautiful prospect of the Forth, and of Salisbury-craigs.

As a great part of the ground in this quarter is, and probably will remain unoccupied by buildings, on account of the badness of the access, an attempt was made, in the year 1775, to remedy this inconvenience. But, as frequently happens, the proposers of the scheme, by grasping at too much, lost all.

It has been already observed, that the gentlemen of the county of Edinburgh opposed the extension of the royalty. Now, when the royalty was extended; when the magistrates had, on the faith of it, expended in building a bridge, in making common sewers, in paving the streets, and laying water-pipes, not less than thirty thousand pounds Sterling, those very gentlemen prepared a scheme, which would not only have disappointed the magistrates of Edinburgh, in being remunerated for their expences, but would have absolutely

* Geo. III. an. 11. c. 36.

folutely ruined the property both in the antient and extended royalties.

It must be observed, that the cefs, or land-tax payable to the city of Edinburgh, the ministers stipends, the interest of the city's debts, &c. &c. are paid out of taxes imposed for defraying these charges on those residing within the royalty. Now, it was endeavoured to obtain an act of parliament for building a bridge of communication between the high-street and Nicolson-street, without extending the royalty over these fields. The tendency was obvious. People would fly to a quarter where they would enjoy most of the advantages of the city, without being liable to its public burthens. The value of property within the city would bear no proportion to that on the south, and the public taxes would fall, with double severity, on the diminished inhabitants of the royalty.

As if this scheme had not in itself been sufficiently iniquitous, a plan was formed for defraying the expence of this bridge, so big with absurdity and oppression, that, were not the facts of public notoriety, had not the bill proposed to have been brought into parliament been printed, we should have hesitated to have repeated what was consistent with our knowledge, we should have despaired of gaining the faith of the public. The expence of the bridge was estimated at L. 8600. In order to defray it, it was proposed not to levy a toll on the bridge itself, but to exact additional duties at all other quarters of the city where tolls were already payable, and to impose new ones where there were none before, on the most frequented streets and roads in the neighbourhood; for instance, between the city and the town and harbour of Leith, between the city and the Water of Leith, where the flour, meal, &c. consumed in the city are prepared; and between the city and the town of Musselburgh, and the links and sands of Musselburgh and Leith. By this scheme, a sum would have been collected, probably equal to all the tolls already payable in the neighbourhood of Edinburgh, that is, about three thousand pounds a year.

The

The propofal being laid before the gentlemen of the county, it was approved of, and adopted ; and it was refolved, that application fhould be made for the authority of parliament ; two gentlemen only difsenting from, and protesting againft the refolution : And the thanks of the meeting were given to thofe who had contrived the fcheme. Means, however, were ufed, to explain to the public the tendency of the meafure. Instantly an univerfal combination was formed againft it. Eighteen different incorporations, united by no political tie, nor indeed by any band but a fenfe of their mutual interefts, came to a refolution to apply for leave to be heard by counfel, againft its paffing into a law, and inftructed the city's representative to oppofe it. The gentlemen of the county found the oppofition fo formidable, that they deemed it prudent to drop the attempt.

We fhall not fuppofe it poffible, that a meafure fo abfurd will be again attempted. But, were the proprietors on the fouth fide of the town, whofe properties would be enriched by a bridge of communication, to propofe to build one at their own expence, it is not the intereft of the city, as a body corporate, nor of the citizens at large, to confent to it ; nor ought the parliament, in juftice, to interpoze their authority for carrying it into execution, but upon this condition, namely, the extenfion of the royalty, by which the whole of the citizens being put upon an equal footing, would divide and leffen each others burthens ; and, in that event, it is for the intereft of the city that a fouth bridge were built ; and the magiftrates fhould lend their aid towards carrying it into effect.

At the north end of Nicolfon's-ftreet, is an obelifk erected by Lady Nicolfon. It confifts of a Corinthian column, capital and bafe, of which the total height is twenty-five feet two inches, and the diameter of the column two feet one inch. Upon the bafe there is an infcription in Latin and Englifh, fetting forth, that Lady Nicolfon having been left the adjacent piece of ground by her husband, had, out of regard to his memory, made the ground be planned out
into

into a street, to be named after him, NICOLSON'S-STREET. Not far from the obelisk, is the public riding-school, or Royal Academy. In this neighbourhood also, are several meeting-houses belonging to dissenters of different denominations.

At a distance from Nicolson-street, on the east, is another suburb of Edinburgh, called the *Pleasance*. This formerly belonged to the Earls of Roxburgh, and was purchased from one of them by the magistrates of Edinburgh, A. D. 1636. The Pleasance consists of one mean street; through it lies the principal road to London. There is nothing remarkable in this suburb except a large brewery, with spacious vaults, belonging to Mr Bell, where the best strong beer is made, of any brewed for sale in Scotland. The quality of it is, indeed, so good, as to recommend itself to be purchased, not only for home consumption, but also for exportation.

The Calton is an high hill close to the city, on the north; the skirts of it on the west side are occupied with mean houses, inhabited by the lowest class of artificers. Round the hill is a walk lately laid out, which commands a vast extent and variety of prospect. The hill itself is also a beautiful object; on the top of it is the Observatory, and a lesser building belonging to it, in the shape of a Gothick tower. On the south-west end of the hill is a burying ground; at the utmost verge of which, upon the brow of the rock, are deposited the remains of that ornament of his country, DAVID HUME. Over these, a monument, designed by Mr Adam, has this year been erected. This building is in the Greek taste; it is of a circular form, its diameter being twenty feet by about thirty high, the height of the walls concealing the roof. On the south and north sides of the building, are two pedestals, or wings, about ten feet high, and five wide, supporting a couple of sphinxes. Over the door, (which fronts the north-east) is a stone pannel, having this inscription:

DAVID HUME, NATUS APRIL. 26. 1711. OBIT AUGUST. 25. 1776.

Over

Over this a belt and cornice furrounds the whole building. Above the door there is a nitch, containing an urn, and at the top, the building is encircled by a Dorick entablature, finished in the antique stile.

Portsburgh is a suburb lying at the west end of the city. It consists chiefly of a narrow street, formed by mean houses, and dirty miserable alleys running from it. In this neighbourhood is an old irregular building, of a good appearance, called *Wrights-houses*. This is said to have been built for the reception of a mistress of King James IV.

T E R M I N A T I O N B O O K I I I .

B O O K III.

C H A P T E R I.

Of the Populousness of Edinburgh, and of its Supply and Consumption of Provisions.

TO ascertain, with any tolerable precision, the number of inhabitants in a great city, is a matter attended with considerable difficulty. In a capital, where, at different seasons of the year, there is a fluctuation in the number of inhabitants, by reason of the meetings and recesses of courts of justice, colleges, and assemblies of the people, the difficulty must be greatly increased. But in Edinburgh, where these obstacles are enhanced, by the number of families living under the same roof; by the city not being divided into parishes; by no attention being paid to keeping the register of burials with tolerable exactness; and, by the register of births being still worse kept, or rather grossly neglected, it must be particularly hard to determine the number of inhabitants. In this case, even an actual survey, unless made with great attention and despatch, and upon judicious allowances for the season of the year, would lead to error.

The systems upon which political writers have endeavoured to ascertain the number of inhabitants in different places, appear liable to many objections; particularly that of determining their number by the baptismal and funeral registers. For instance, it has been found, that, in different places, certain different proportions of mankind die annually; yet from this no absolute conclusion can be drawn from these registers, respecting the populousness of the place

in

in which they are kept ; and none at all respecting its healthfulness, or prolifickness, unless the inhabitants are *stationary* ; that is, live and die in the same district. For instance, the variety of occupations in towns and cities, induce people of all ranks, from motives of business, or pleasure, to flock to, and reside in them. Hence a double deduction is evident, respecting great towns and country parishes ; namely, that it is unfair to argue upon the healthfulness or prolifickness of the country, from the proportion between the births and burials ; because many who are born in the country spend their lives, and die in the city. By a parity of reasoning, it is unfair to argue against the unhealthfulness of cities, from a comparison of the same registers ; since, besides those who are born in cities, numbers who are born in the country come to cities, reside and die in them, and consequently increase the funeral register : Therefore, unless a third list of *emigrants and intrants* was preserved, it will be very fallacious to lay much stress upon baptismal and funeral registers, for the comparative healthfulness or prolifickness of the town and country.

Again, to argue upon the populousness of any district, from the same data, is liable to exception, since the relative proportion between the number of inhabitants, and the changes among them by births and deaths, is not uniform in different places, but depends upon the constitution of the inhabitants, their manner of living, and the nature of the climate.

Having thus stated the difficulties which attend the forming of an estimate of the populousness of a place, its healthfulness and prolifickness, from the register of births and burials, let us now consider another mode of attaining that information.

Doctor Price, and other writers on political arithmetick, have reckoned the number of persons in a family to be, at a * medium, over England and Wales, $4\frac{1}{2}$ in each. It has been found, from actual and late surveys, that, in Manchester †, there were $5\frac{1}{2}$ persons in each

T t 2 family ;

* Price's obser. on reversionary payments, p. 185. † Percival's philos. essays, p. 54.

family; in Leeds only $4\frac{1}{2}$; and in * other places still different proportions.

Now, if from many surveys and deep reflection, it has been found, that a certain number is the medium of persons in a family over all the kingdom, it is evident, that, to apply this standard to any given district, not only may lead to error, but the odds are very great that it does not direct aright. In the same manner as, supposing five feet six inches to be the medium height of grown persons, one were to apply a standard of these dimensions to the first man he met, it is clear the chance would be very great, that the person accidentally met would either exceed, or fall short of the standard.

From what has been said respecting calculations founded upon the bills of mortality, or upon the supposed number of persons in a family, we infer that it is not possible to collect from either of them the populousness, healthfulness, or prolifickness of the place, without framing a particular standard or hypothesis, from consideration of the climate, constitution, and manner of living among the inhabitants; also of the state of the inhabitants, whether they be hinds and farmers living in a country parish, mechanicks and shopkeepers in a town or village; or whether there be also a mixture of families of rank and opulence.

As to the registers of births and burials in Edinburgh, it has been already observed, that, of late, they have been kept in such a manner as to render them (if any arguments be drawn from them), the infallible sources of error. The register of burials is kept by people whose faculties are impaired by drinking, who forget to day what was done yesterday: People who have an interest in reducing the list of burials, as thereby they may peculate the share of *mort-cloth* money † due to the Charity work-house. Besides, they enter not into the list of burials any who have died without receiving baptism; nor those whose relations are so poor, as not to be able to pay

* Price's Observations, p. 184.

† The *mort cloth* is the term generally used in Scotland for the pall.

pay for the use of a *mort-cloth*; nor those who die in the Charity work-house. In foreign nations, and other parts of this kingdom, the clergy pay attention to the parochial registers. We shall leave it to the ministers of Edinburgh to assign their own reasons for omitting what is generally considered as a branch of the pastoral duty.

As for the register of births, it does not deserve the name. True it is, a list is kept in the south isle of St Giles's church, where any person who chuses to go with a piece of money, will get the birth and name of a child inserted. But no attention is paid to the observation of this practice, either by the clergy, or by parents.

In our calculation, therefore, of the populousness of Edinburgh, we set aside entirely any consideration of the parochial registers: But an actual survey has been made of the number of families in Edinburgh. We proceed to consider the special circumstances of the city, which enable us to form an hypothesis, or standard, by applying which to the families, the amount of individuals may be ascertained.

As the populousness of a place, in some measure, depends upon its healthfulness; so likewise must the number of persons in a family. Edinburgh, we apprehend, to be as healthful as most towns in Britain, and more so than any of equal bulk. Its situation is elevated; it is not near any stagnant waters; and its neighbourhood to the sea not only renders the air more salubrious, but gives the opportunity of sea-bathing to people of all ranks. The climate is temperate; neither rains nor drought* are excessive; and the great violence of the winds tends to dissipate any noxious vapours. The inhabitants, instead of being crowded together as formerly, are withdrawing to spacious streets, and to houses more large and commodious.

* Medium of heat in each month in the year, deduced from ten years observation. The table kept at Hawkhill, a mile east from Edinburgh, from A. D. 1764 to 1774, by Mr James Hoy, at the desire of the late Lord Alemoor.

modious. The city is supplied with excellent water, and with a plentiful variety of vegetables at a moderate price. All these circumstances must undoubtedly be conducive to health.

The want of many branches of manufacture, especially those which require a sedentary life, although prejudicial to the trade of Edinburgh, must be numbered among the circumstances conducive to the health of its inhabitants. Neither are the children there put to school so early as in England; that mode of torturing the faculties, cramping the genius, and ruining the constitution of infants, by exacting untimely fruits, like from plants in a hot-bed, is not embraced. Far less do they doom a set of miserable infants, by the time they are well able to walk and speak, to assist in different branches of manufacture, thereby gathering from them a premature and scanty crop, at the expence of cutting off many years of health and industry, or of leaving them to drag out a tedious existence, oppressed with disease and deformity.

The institution of the Royal Infirmary, for the reception and relief of sick servants, soldiers, and of poor people in general, who have suffered hurts, or who have to undergo any chirurgical operation, as affording essential relief to the distressed, is also well deserving of attention.

A

	Deg.	Min.		Deg.	Min.
January,	34	7	July,	58	9
February,	36	7	August,	58	1
March,	38	1	September,	52	6
April	44	2	October,	46	2
May,	50	6	November,	40	5
June,	55	1	December,	38	0

The highest that the thermometer commonly rises to in the hottest days of summer is 75, sometimes 77 degrees: It was once observed at 81. The lowest that it usually falls to in winter is 17; it has been observed at 12, but never lower. This, however, being in a thermometer of spirit of wine, 12 degrees in it corresponds with about 9 of a mercurial one.

The medium depth of rain at Edinburgh is about 26 inches annually; the greatest depth about 32 inches, the least 23.

A circumstance remains to be mentioned, of an opposite tendency from those we have hitherto mentioned, namely, the almost total change which has taken place of the liquors used by the commons. Formerly, a species of malt-liquor, called *Twopenny*, was their chief, if not their only drink. When the duty on twopenny was first extended over the parishes adjacent to Edinburgh, its neat produce, from 1st July 1723, to 1st July 1724, amounted to L. 7939 : 16 : 0 Sterling. Ever since it has been gradually decreasing; and, altho' the number of inhabitants is now probably doubled, it amounted, A. D. 1776, to no more than L. 2197.

Instead of malt-liquor, the lower class of inhabitants have betaken themselves to tea and *Whisky*. The first of these, to people who are not able to afford generous diet, and liquors, cannot be esteemed wholesome. The last is equally pernicious to health and to morals; yet, the use of that destructive spirit is increasing among the common people of all ages * and sexes, with a rapidity which threatens the most important effects upon society.

Having

* It is needless to descant upon the tendency of this evil. It is of so important a nature as to require the active hand of government to root it out, before the pernicious example of the capital spreads itself over the country. Besides the licensed stills, which indeed are only eight in number, it is computed that there are in Edinburgh no fewer than four hundred private stills which pay no duty to government, but distill in private the poison which is afterwards retailed among the inhabitants. This estimate, however, is only conjecture. The following is certain: Doctor Percival expressed his regret, that, in the parish of Manchester, (a district of near 43,000 people), there ** should have been 193 licensed houses, for retailing spirituous liquors. How much more would the Doctor have had occasion to express his concern in the county of Edinburgh, a district which does not contain above 100,000 people, yet in which there are 2000 houses that retail spirituous, and other liquors? The number of 2000 is made up in this manner:

* Houses licensed by the magistrates of Edinburgh, and justices of peace for the county, from A. D. 1777 to 1778		1611
* Number of yearly convictions, at a medium, for retailing spirits without license		200
* Number supposed to escape undiscovered, without either paying license, or being convicted		200
Total		2011

** Percival's Essays, p. 54. 56.

Having considered those circumstances peculiar to the city of Edinburgh, connected with health, we shall now state the other grounds upon which we estimate the number of persons in a family.

The number of persons in a family must chiefly depend upon the station and pursuits of a people. For instance, it is evident the disproportion must be great between the number of persons in a family in the parish of St James's, and in a remote village in the north; because, in the former, the families belong to men of splendour and opulence; but, in the latter, no retainers are necessary to the family; none are suffered to remain within it, whom the

Out of this number, only 159 have taken out licenses for retailing foreign spirits; which is, in other words, *that, out of 2011 houses for retailing spirituous, and other liquors, in the city and county of Edinburgh, 1852 are destined for the entertainment of the lower class of people.*

Every means ought to be used for lessening the manufacture of whisky. The duty on rum, whose exorbitancy defeats its own purpose, (as thereby a smaller revenue arises to the crown than would flow from a more moderate tax; and as by it also the manufactures of our own islands are discouraged), ought to be, in a great measure, taken off. The duty on ale ought to be lessened, if the deficiency were to be made up from many quarters. A high tax should be imposed upon whisky. Private families ought to be prohibited from distilling spirituous liquors for their own consumption, as being a cloak to perjury, defrauding of government, and drunkenness. Public stamps might be imposed upon all stills, or perhaps the government should take them entirely into the hands of their own officers, as they do the stamped paper. By these, or other regulations, it is probable the possibility of smuggling distillation, to any extent, might be cut off. Thus would the consumption of this pernicious spirit be restrained, and no hardship, or just ground of complaint, remain. For, so long as good ale and beer can be had at a moderate price, it can never be the interest of government, nor of humanity, that spirituous liquors should be at the command of the indigent. We are aware of an objection from one quarter, viz. that, if such a change in the mode of taxation were to take place, the landed interest, which is already more oppressed than any other class in the nation, would suffer prejudice. To this it may be answered in short, that, were the consumption of barley, through the medium of spirituous liquors, restrained, it would naturally revert to its former channel, of being used in beer and ale. But if, after all, the landholders and farmers were likely to suffer detriment, their interest might be provided for, by laying an *embargo upon the importation of barley*, whenever it falls below a certain price, and *vice versa*; a measure which, notwithstanding the clamour that has been raised against it, would be productive not of partial, but of general benefit.

the master is not bound to support. As the number of tradesmen and mechanicks bears a much greater proportion to persons of better rank and more liberal pursuits in London than in Edinburgh, we are led to suppose that there are more persons in a family in the latter city than in the former.

As Edinburgh is not considerable for trade, but depends chiefly for its support upon the college of justice, the seminaries of education, and the inducements which, as a capital, it affords to genteel people to reside in it, these circumstances must occasion the respective families to be pretty numerous. The manner of living also has become more genteel, and the increase of wheel-carriages must augment the number of domesticks.

As many young people resort to Edinburgh for their education, these, by boarding in different houses, tend to raise the number of persons in a family. The great advance in the expence of boarding is likewise conducive to the populousness of Edinburgh; for country gentlemen, (even of good Scots fortunes), who have numerous families, find their account in residing in Edinburgh with their children during the time of their education.

All the chairmen, most of the porters and servants in Edinburgh, come from the Highlands. This affords a supply of healthy and robust people. By classing the two former into married and unmarried, we will find, that this circumstance tends to make the number in each family greater than if they were all married persons; for those who are single live in family with the married, and commonly work as their journeymen.

Every thing considered, we are led to fix the number of persons in a family in Edinburgh *at six in each*.

Before proceeding to ascertain the number of inhabitants, according to this standard, it will be necessary to make some remarks upon the calculations of Maitland and Doctor Price. Maitland has grounded his calculation of the inhabitants of Edinburgh upon the bills of mortality. We rest upon the survey of the number of hou-

ses. Maitland supposed the twenty-eighth part of the inhabitants to die yearly ; in which, probably, he was not much mistaken. He took into his computation the whole parish of St Cuthberts, (then almost entirely a country-parish, and the largest in Scotland). Having multiplied the number of burials by 28, he found the City, Canongate, St Cuthberts, &c. in A. D. 1747, to contain 50120 inhabitants ; which, the number of families being 9064, made about $5\frac{1}{2}$ persons in each.

Doctor Price being personally unacquainted with the state of Edinburgh, has, from different parts of Maitland's data, deduced inferences equally erroneous and important. The Doctor has observed, that the total number of families in Maitland's district, amounted to 9064. He also found, that, from an actual and accurate survey of the parish of St Cuthberts, the number of persons to a family were $4\frac{1}{2}$ each. The Doctor not knowing that St Cuthberts was then almost entirely occupied by farmers, cottagers, and the lowest mechanicks, judged the parish of St Cuthberts to be a proper ratio, by which to calculate the number of inhabitants over all the city. Accordingly, multiplying 9064, by $4\frac{1}{2}$ he discovered the number of inhabitants to be 37,162. Then, supposing the register of burials to be just, he found the annual proportion of deaths to the number of inhabitants to be as one to 20 $\frac{1}{4}$, thereby making Edinburgh, perhaps, the most mortal city in Europe. This erroneous deduction plainly proceeds, *1mo*, From Doctor Price's not knowing that St Cuthberts was a country-parish ; and, *2do*, To his not adverting to the circumstances that raise the number of persons in a family higher in Edinburgh than, perhaps, in any part of the kingdom.

An accurate survey of the number of houses in Edinburgh, Leith, &c. was taken A. D. 1775, for the purpose of collecting the road-money, payable by each family. In this survey the houses were divided into three lists ; inhabited houses, that is, each set of apart-
ments

ments occupied by a separate family ; empty houses ; and shops, i. e. shops to which no houses were possessed along with them.

In this survey, every house was distinguished by its local situation, by the name of the possessor, (if occupied), and was arranged in its proper class. In this manner no houses could be admitted which had not an existence, at the same time that many families living in the narrow alleys and dark stairs in the Old Town, must have escaped the observation of the surveyors. Such oversight behoved to be greatly encouraged by the artifice of a set of low people, who, abhorring the surveyors, industriously avoided them, shut doors and windows at their approach, and got their neighbours to represent their houses as unoccupied, in order to avoid paying of the miserable pittance of road-money.

The number of separate families then in Edinburgh, Leith, and their environs*, as ascertained by the survey A. D. 1775, amounted to 13,806, which, multiplied by six, gives the number of inhabitants to be 80,836.

But there are a number of people in the city of Edinburgh who do not reside in private families, who thereby are not comprehend-

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* The places comprehended in this enumeration, are the city of Edinburgh and all its suburbs on the west and south, within the respective toll-bars. On the east, the Abbey-hill, Jock's-lodge and Restalrig. Beyond the New Town, the villages of Broughton and Picardy, the towns of south and North Leith, and the east and west roads to Leith. Such part of the city of Edinburgh as constitutes the royalty, and also the Canongate, and South and North Leith, pay cefs or land-tax to government, *as the city of Edinburgh*. The amount of cefs paid for the city to the Receiver General, when the land-tax is at 4 s. in the pound, is L. 2849 : 10 : 4. The sum levied from the inhabitants for that purpose, is L. 3455, a sum not unreasonable considering the trouble and expence of collecting. This estimate is made out, by reckoning 1 s. 4 d. to be exacted upon the pound Sterling of valued rent, which is less, by a minute fraction, than the sum actually levied. The valued rent of Edinburgh, within the royalty, Canongate, South and North Leith, being L. 51,825 : 3 : 9 Sterling. As to the real rent, according to the observations we have formed, it appears to be *a half more than the valued*, or L. 77737 : 15 : 7½ ; but, if we shall estimate the real rent of the whole other places comprehended in our enumeration, viz. the suburbs on the south and west, Broughton, the roads to Leith, &c. at L. 14,000, the whole real rent of Edinburgh, Leith, and their respective environs, will be L. 91,737 : 15 : 7½

ed in the above calculation, and of whom it may be difficult to say, how far they ought to be added to it. Of these, the chief are the garrison of the castle, and those who are supported in the different hospitals and poors-houses. It is evident, that the garrison, and others in the castle, (who are, at a medium, about 600), being in no ways blended with those in the former calculation, falls to be added to it. It seems equally clear, that those of the Royal Infirmary, who, at a medium, are upwards of 150, must not be added to the number, as the patients are mostly individuals reckoned in the former list, but who are removed to the Infirmary by reason of occasional distress. About 650 people are constantly maintained *within* the Charity work-house. In the other hospitals and poors-houses in the city and suburbs, there may be about 600 more. Of these, perhaps, a third may be the children of inhabitants reduced to poverty, and are therefore to be held comprehended in the calculation founded on the survey of families. The remaining two-thirds are either elderly people, borne down by poverty and disease, who have no friends nor families, or orphans, who fall to be added to the former list. It appears, therefore, that, on account of the castle-garrison, and of the hospitals, and poors-houses in Edinburgh, 1400 may be added to the list of inhabitants already calculated from the survey of the number of families.

There, perhaps, are no articles so essential to the convenience of a great city, as the supplies of fuel and water. No city of its bulk, in modern Europe, is better furnished with these articles than Edinburgh. At all times of the year, pit-coal, of the best quality, may be purchased at the citizens doors at five pence the hundred weight. The manner in which the city has been supplied with water, deserves to be particularly described.

From the number of inhabitants which must have been in Edinburgh in the last century, it is difficult to conceive how they were accommodated with water. There is no mention of the supply in this

this article, earlier * than A. D. 1621. In that year, an act of parliament was passed, setting forth, that the magistrates of Edinburgh were about to bring in water to the city from a distance, giving them liberty to cast '*seuchs and ditches*,' in the lands through which it behoved the water to pass, and requiring the privy council to ascertain the damages, payable to the different proprietors, on account of the breaking of their ground. But notwithstanding this act, it does not appear, that, in consequence of it, any measures were taken to bring water into the city till the year 1674. At that time the magistrates undertook to bring † water in leaden pipes, from a fountain some miles distant. The engineer employed for this purpose was Peter Bruschi a German. The Lords of the privy council issued a mandate, prohibiting all persons from impeding the work, and threatening, with the highest penalties, those who should lift or demolish the pipes or cisterns. Soon after, an act of parliament was passed for protecting ‡ the fountains and conduits, and enforcing the orders of the privy council.

The town-council agreed to pay to this German L. 2950, for bringing, in a leaden pipe of three inches caliber, water from Comiston, about four miles west from the city, to a reservoir to be made on the Castle-hill. Thence the water was to be distributed through the town by pipes, conveying || it to five public wells; and these not being found sufficient, five more were quickly erected at an additional expence. That the city's funds might not be applied to a purpose so beneficial to the inhabitants, the magistrates endeavoured to obtain the authority of parliament for imposing upon the citizens a tax, by way of *hearth-money*, to defray the expence. Happily they were disappointed in this scheme of oppressive exaction, a circumstance not a little extraordinary in the reign of Charles II. Soon after, new springs were added to the fountain. The town-council

* James VI. parl. 23.; Unprinted acts, No. 6. † Records of privy council, No. 3. p. 167. 3d September 1674.; Watson's hist. of printing. ‡ Unprinted acts, Charles II. parl. 3. sess. 1. No. 8. Sept. 17. 1681. || Maitland's hist. p. 205. 206.

council making an agreement with the proprietor of the ground for the use of the water; and the pipe was found to be too small for conveying to Edinburgh the streams collected at the fountain. Upon this, a new pipe of four inches and a half diameter, was begun to be laid, but was not compleated for many years; and, when finished, it was found to be by much too large for the supply of water.

In order to the city's being more amply furnished with so necessary an article, an act was passed, enabling the magistrates to purchase any springs south from the fountain at Comiston, lying within three miles of it, and to bring the same by pipes through the interjacent grounds into the fountain or the city *. The sheriff of the county was, at the same time, impowered to fix, with the assistance of a jury, the price to be paid for such springs, or for the privilege of laying the pipes through the respective lands. In consequence of this act, certain springs in the lands of Swanston, were pitched upon as the most proper to be brought into the fountain; but, notwithstanding the act of parliament, it was not, till after a contest with the litigious proprietor had been settled with the house of Lords, that the town made effectual their right to these springs. While this dispute was agitated between the magistrates and the proprietor of Swanston, the former were attempting to impose a burden upon their constituents, of which the clandestine proceedings of the magistrates sufficiently betrayed their consciousness, that the burden they meant to impose was unjust and unnecessary. From the votes of the House of Commons, it was discovered, that the magistrates of Edinburgh had, on pretext of the expences they would incur, by bringing an additional spring of water into the city, applied for leave to bring in a bill for levying from the inhabitants, no less than 6 d. *per* pound, on the whole real rents of the city. Instantly, upon this discovery, a combination was formed among
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* George II. an.

the citizens, for opposing the bill ; and that, upon two grounds, That the city was possessed of sufficient ordinary revenues to enable them to defray this additional expence ; and, that the sum proposed to be laid on the inhabitants, under colour of bringing in water, was, beyond parallel, enormous. In the course of their opposition, they demanded, that, by a candid exhibition, and strict inquiry into the state of the city's revenues, it might be seen, whether they had funds sufficient for the proposed purpose. This demand was not relished on the part of the magistrates, who, after all their instances, and the extraordinary measures which were taken to occasion an artificial scarcity, were obliged to abandon the proposed taxation ; yet found means to carry on the work without any additional aid.

The consumption of water has, of late, been considerably augmented, by the great increase of inhabitants and buildings, together with a very considerable number of private pipes, which are given, at their request, to any of the inhabitants who are willing to pay for them. These circumstances had again occasioned a scarcity of water, especially in autumn, when the springs are most scanty. A very simple alteration, suggested by Bailie Cleghorn, one of the present magistrates, a person who has bestowed great attention upon the state of the city's conduits and fountains, has now rendered the supply of water abundant.

The cistern of Comiston receives five distinct streams from as many pipes, collecting the water from different, and distant fountains. These, when at the fullest, discharge into the cistern at Comiston from 800 to 900 Scots pints, or almost seven hogsheds a minute ; when, at the lowest, from 150 to 170 pints. From Comiston, the water is brought in a leaden pipe of four inches and a half caliber, to the reservoir upon the Castle-hill of Edinburgh, the highest part of the city, yet, at the same time, forty-four feet beneath the level of the water at Comiston. Thence, by public wells, and private pipes, it is distributed through the city. Besides a small pipe which is taken off the large one to supply Herriot's-hospital with water, the main pipe,

pipe, when full at the fountain-head, discharges into the reservoir at the Castle-hill about 210 Scots pints in a minute ; whereas, till the late alteration made by Mr Cleghorn, it never discharged above 170. Had not this improvement taken place, an additional pipe was to have been laid, which would have cost the city about five or six thousand pounds. This reservoir contains 149,427 Scots pints, or 291 tons, 3 hogsheads, 6 gallons, and 3 pints. Besides this water, which in its quality is excellent, there are many pit-wells in Edinburgh ; and the foot of the Canongate is supplied by a pure stream brought from Arthur's-seat.

Few towns are more commodiously situated than Edinburgh in respect of its supply of provisions, and the moderateness of their prices. In the following account of the consumption and prices of provisions, we neither were able, nor did we judge it necessary, to give a table of the different articles for an equal period of time. The quantity of wheat made into flour at the milns on the Water of Leith, is supposed, according to the best information that we could procure, to be 100,000 bolls yearly.

This wheat is mostly all consumed in Edinburgh, Leith, and their environs. The quantity has of late been upon the decrease, owing to this circumstance, that, till within these few years, the flour-milns in Scotland were so scarce, that both flour and baked bread were sent from Edinburgh to many parts of the country. Now, there is hardly any sent either of the one or the other ; nay, there is a quantity of bread brought daily to Edinburgh which has been prepared at the distance of six or more miles from the town.

We have not been able to ascertain, to our own satisfaction, the quantity of oat, barley, and pease meals made use of in Edinburgh. This is owing partly to the extreme reluctance with which the clerks in some of the markets were prevailed upon to give us any information respecting the extent of the commodities brought to their respective markets, and to the interest they had in representing the quantities as less than they really were ; partly to a considerable proportion of
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the oat-meal that is brought to Edinburgh market being bought up there for the use of the neighbouring counties. But, upon the whole, we are led to conjecture the quantity of oat, pease, and barley meals consumed in Edinburgh, and the suburbs, at 20,000 bolls yearly.

QUANTITY of BUTCHER MEAT used in EDINBURGH from
A. D. 1773 to 1777.

	Oxen.	Calves.	Sheep.	Lambs.
From 1773 * to 1774	6572	39428	38295	
From 1774 to 1775	8354	6792	35370	47360
From 1775 to 1776	8836	7355	42550	61270
From 1776 to 1777	9022	7350	41332	65790
Killed in Leith market from 1776 to 1777	1069	955	7880	12286
Total killed in Edinburgh and Leith from 1776 to 1777	10091	8305	49212	78076

Besides these, a market for butcher meat has lately been set up in Chapel-street, where it is supposed there are about 150 black cattle, 350 sheep, as many lambs, and about 100 calves, sold in a year. The other flesh-markets in the county of Edinburgh are those of Dalkeith and Musselburgh. The cause of our not being able to ascertain the number of hogs used in Edinburgh market is, that the account already given of all the cattle is taken from the number of hides; now, the skins of hogs not being separated from their carcases, we have no ground for ascertaining their number.

It is impossible to estimate the quantity of poultry, or game, used in Edinburgh. The latter is excellent, and is to be had in great plenty and variety. Of the former, such as is sold in the market is

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* The account of oxen is kept from May to May; that of sheep, lambs, &c. from January to January.

very bad; but by far the largest and best part of the poultry used in Edinburgh, is that which is sent to the landed gentlemen from their estates in the country, or what is picked up in the country by carriers, and other dealers in poultry, and brought to Edinburgh, and sold on their own account.

From the near neighbourhood of the Forth, it might be expected that Edinburgh might be supplied with every variety of fish. This, however, is by no means the case. It perhaps may, in some measure, be owing to the laziness of the fishermen, who will not be at the pains to go out to deep water. But fishing companies have been erected, and large boats provided once and again by private gentlemen, merely with a view to the better supply of the city with fish. But the gentlemen have always tired of the heavy loss and expence which they were ever made to incur from their public spirited attempts. Small haddocks, and small cod, are the fish which most abound in Edinburgh; whittings are to be had, but of a diminutive size. Turbot have, within these two years, been more plenty than formerly; but we cannot help thinking them far inferior to the same species of fish in London, at least to such of them as come from the flats of Holland. Excellent soles are got in the Forth, but they are very rare; herrings are sometimes to be had in such quantities as to be used as a manure for the ground; mackarel are rare, and exceedingly bad.

We know no place supplied with such variety of excellent shell-fish as Edinburgh. Lobsters, crabs, oysters, muscles, and shrimps, are to be had at very reasonable rates. There is such plenty of oysters, that a large quantity is annually exported to the Medway, and other rivers, there to lie and fatten for the London market. But no fish is sold in Edinburgh so useful to the inhabitants as salmon. It is brought chiefly from Perth and Stirling. The markets are supplied with it three-fourths of the year at moderate rates. Except trouts from Loch Leven, no sort of fresh water fish is to be had in Edinburgh; as for carp, and even tench, they are no more to be had

had than if such fish could not live in Europe. Edinburgh is badly supplied with butter, that sold in the market being, for the most part, both unskilfully and dirtily made; and it is always made up without the smallest mixture of salt. This article, however, is rather improving, and it is extremely cheap when compared with that of London, fresh butter being generally at ten pence *per* pound, and salt butter at eight pence, the pound consisting of twenty-two ounces. There is no such thing to be had in Edinburgh as the new and Bath cheeses, which are sold at London. Indeed, there is hardly a bit of tolerable cheese made for sale in Scotland.

Edinburgh is supplied with variety of vegetables at very low prices. Potatoes, the chief article for the poor, are sold during the greatest part of the year at sixpence * a peck, or thereby. Green peas, at the first of the season, are sold for about half a guinea, if the general assembly be sitting; but, if that court be risen, about five shillings *per* peck; but the average price of them is not above eight pence. The asparagus in Edinburgh is not near so good as in London. Cucumbers and melons are not plentiful; far less are peaches, apricots, and nectarines, neither of which ripen fully upon a common wall. Even the apples which are brought to market from the neighbourhood are unfit for the table; there are, however, very good pears. Some pine apples are sold in the fruiterers shops; of these a few are raised in the neighbourhood; but most of them are brought from York, where they can be had much cheaper. The small fruits in Edinburgh are more plentiful, and of a far superior quality. The strawberry, in particular, we not only think superior to those in England, but almost to any other fruit we ever tasted. There is an account kept of the small fruit sold in Edinburgh, for the purpose of collecting a trifling duty payable to the town. But, as a considerable part of the fruit is smuggled into town without paying any duty, and that sent in presents to families is not liable, we

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conclude,

* The peck of potatoes contains 24 lib. Troy weight. Green peas are sold in Edinburgh in the pods; the dimensions of the peck are the same with those of the potatoe peck.

conclude, that, besides the large quantities consumed within the gardens in the neighbourhood, one fourth more ought to be held as consumed within the town than what is contained in the following table.

Quantity of strawberries, gooseberries, and cherries, sold in Edinburgh market, as ascertained by the book of public custom payable at the fruit-market.

A. D. 1777, Scots pints of strawberries	28725
Scots gallons * of gooseberries	6836
Scores of cherries	78840

The average price of strawberries is eightpence *per* pint; therefore, reckoning a fourth more to be consumed than what is entered, as paying duty, the value of strawberries used in Edinburgh A. D. 1777, will be L. 1198 : 6 : 0.

The quantity of wines imported, will be found in that part of our history which treats of the town of Leith. We cannot ascertain how much is consumed in Edinburgh; but the quantity, particularly of claret, must be considerable, as hardly any other liquor is called for after dinner in taverns; and in private houses, where the entertainment is tolerably genteel, claret is commonly drunk. The port, at the same time, is excellent of its kind, not resembling the adulterated trash sold under that name in England. Good rum may be had, and bad also; for the distillers of whisky in Edinburgh have attained to the impudence of being professed dealers in rum, and, as such, sell to the people, at 8 s. *per* gallon, a spirit, which, if it were stripped of *the name* of rum, would not fetch 2 s. But no spirit, sold in Edinburgh under a foreign name, is universally of so bad a quality as the brandy, since, except from a few of the principal wine merchants, not a genuine drop is to be had. The strong-beer

* It has been already observed, that a Scots gallon is nearly equal to sixteen English quarts.

beer brewed in Edinburgh by Mr Bell, and its excellent quality, have already been spoke of. Porter is also brewed in Edinburgh; but it is a different liquor from London porter, and greatly inferior to it; accordingly, a considerable quantity of that liquor is annually imported from London.

In the following table of the present prices of provisions*, it must be observed, that the different articles are set down at the highest rates, at rates, which, by the generality of the inhabitants, would be deemed extravagant; for we were favoured with this table by the keeper of the principal tavern in Edinburgh, who is under a necessity of buying the rarest things, be their prices what they may.

PRICES

* The pound by which butcher-meat is sold in Edinburgh, contains 17½ oz. English.

PRICES of BUTCHER-MEAT, POULTRY, WILD FOWL, FISH, &c. in Edinburgh,
for the first Six Months of the Year.

	January.	February.	March	April.	May.	June.
Beef, <i>per</i> pound	3½ d to 2½ d	Ditto	4 d to 3 d	Ditto	Ditto	4½ d to 3 d
Mutton, <i>per</i> pound	4 d to 3½ d	Ditto	4½ d to 4 d	Ditto	4 d to 3½ d	4½ d
Veal, <i>per</i> pound	4½ d to 6 d	Ditto	4 d to 5½ d	Ditto	3½ d to 5 d	Ditto
Pork, <i>per</i> pound	4 d to 4½ d	5 s	4 d to 4½ d	Ditto	3½ d to 4 d	Ditto
Lamb, <i>per</i> quarter	5 s 6 d	Ditto	4 s	3 s to 2 s 6 d	2 s	1 s 8 d
Fowls, <i>per</i> pair	2 s 6 d to 5 s	Ditto	2 s to 4 s 6 d	2 s to 4 s	2 s to 3 s 10 d	3 s 6 d
Chickens, <i>per</i> pair	2 s to 2 s 6 d	Ditto	Ditto	4 s	3 s 6 d	3 s to 2 s
Pidgeons, <i>per</i> pair			1 s 8 d	Ditto	1 s 4 d	1 s 2 d
Partridges, <i>per</i> pair	1 s to 1 s 8 d		8 d to 10 d	Ditto	6 d to 8 d	5 d to 6 d
Muirfowl, <i>per</i> pair						
Wild Ducks, <i>per</i> pair	3 s to 3 s 6 d	3 s to 3 s 6 d	2 s 6 d to 3 s 6 d	Ditto	Ditto	Ditto
Pige, <i>per</i> piece	3 s to 3 s 6 d	Ditto	Ditto	Ditto	Ditto	3 s
Goose, <i>per</i> piece	3 s	2 s 3 d to 3 s	Ditto	2 s	3 s 6 d	3 s 6 d
Turkey, <i>per</i> piece	4 s 6 d to 7 s	Ditto	4 s to 6 s	Ditto		
Wild Goose, <i>per</i> piece	2 s to 3 s	Ditto	Ditto	Ditto	Ditto	6 d to 8 d
Salmon, <i>per</i> pound	10 d to 1 s	Ditto	8 d to 10 d	Ditto	3 s to 4 s	2 s 6 d to 3 s 6 d
Cod, <i>per</i> piece	3 s 6 d	Ditto	3 s 6 d to 5 s 6 d	Ditto	2 s to 4 s	Ditto
Soles, <i>per</i> pair			1 s 6 d to 2 s 6 d	1 s to 2 s 6 d	Ditto	1 s to 1 s 6 d
Haddocks, <i>per</i> dozen	1 s 6 d to 3 s	Ditto	1 s to 2 s	Ditto	Ditto	2 s to 7 s
Whittings, <i>per</i> dozen	1 s 6 d to 3 s	Ditto	3 s to 9 s	Ditto	Ditto	4 d to 8 d
Turbot, <i>per</i> piece	6 d to 1 s 2 d	Ditto	Ditto	Ditto	Ditto	Ditto
Lobster, <i>per</i> piece	1 d to 3 d	Ditto	Ditto	4 d to 9 d	1 s	6 d to 9 d
Crab, <i>per</i> piece						
Herrings, <i>per</i> dozen						
Shrimps, <i>per</i> Scots pint						
Smelts, <i>per</i> 100			2 s	Ditto		
Oysters, <i>per</i> 100	8 d to 1 s	Ditto	1 s 6 d to 3 s	Ditto	Ditto	

PRICES

PRICES of BUTCHER-MEAT, POULTRY, WILD FOWL, FISH, &c. in Edinburgh, for the last Six Months of the Year.

CHAP.

Chap. I. OF EDINBURGH.

	July.	August.	September.	October.	November.	December.
Beef, <i>per</i> pound	4 d to 3 d	3½ d to 2½ d	Ditto	Ditto	Ditto	Ditto
Mutton, <i>per</i> pound	4 d	4 d	4 d to 3½ d	3½ d to 3 d	3 d	3½ d to 3 d
Veal, <i>per</i> pound	3½ d to 5 d	4 d to 5 d	Ditto	4½ d to 5 d	Ditto	4½ d to 5½ d
Pork, <i>per</i> pound				3½ d to 4 d	Ditto	4 d to 4½ d
Lamb, <i>per</i> quarter	1 s 4 d	1 s 3 d	1 s 6 d	1 s 2 d		
Fowls, <i>per</i> pair	2 s to 3 s 6 d	2 s to 3 s 6 d	Ditto	2 s to 3 s	2 s to 3 s 6 d	2 s to 4 s
Ducks, <i>per</i> pair	2 s to 2 s 6 d	2 s 4 d	Ditto	2 s	Ditto	2 s to 2 s 6 d
Chickens, <i>per</i> pair	1 s	1 s 4 d	Ditto	Ditto	1 s 2 d	Ditto
Pidgeons, <i>per</i> pair	4 d to 9 d	4 d to 5 d	5 d to 6 d	Ditto	Ditto	6 d to 7 d
Partridges, <i>per</i> pair			1 s to 1 s 6 d	Ditto	Ditto	Ditto
Murrow, <i>per</i> pair		3 s to 4 s	2 s 6 d to 3 s 6 d	2 s 4 d to 3 s 4 d	2 s 6 d to 3 s 6 d	Ditto
Wild Ducks, <i>per</i> pair						Ditto
Pig, <i>per</i> piece	3 s to 3 s 6 d	Ditto	Ditto	Ditto	Ditto	Ditto
Goose, <i>per</i> piece	3 s	Ditto	Ditto	2 s 6 d	Ditto	3 s
Turkey, <i>per</i> piece		2 s 6 d	4 s	4 s 6 d	4 s 6 d to 6 s	4 s 6 d to 7 s
Wild Goose, <i>per</i> piece						
Salmon, <i>per</i> pound	6 d to 8 d	4 d 6 d				10 d to 1 s
Cod, <i>per</i> piece						
Soles, <i>per</i> pair	2 s to 4 s				1 s to 2 s	1 s to 2 s 6 d
Haddocks, <i>per</i> dozen	1 s to 1 s 6 d				1 s 6 d	2 s
Whittings, <i>per</i> dozen						
Turbot, <i>per</i> piece	4 d to 8 d	Ditto	Ditto	Ditto	1 s	6 d to 1 s 6 d
Lobster, <i>per</i> piece	1 d to 3 d	Ditto	Ditto	Ditto	Ditto	Ditto
Crab, <i>per</i> piece	6 d to 9 d	Ditto	Ditto	Ditto	Ditto	Ditto
Herrings, <i>per</i> dozen	1 s	Ditto	Ditto	Ditto	Ditto	Ditto
Shrimps, <i>per</i> Scots pint						
Smelts, <i>per</i> 100						
Oysters, <i>per</i> 100						

CHAPTER II.

Of Houses for the Reception and Entertainment of Strangers, and of the Amusements and Public Diversions of Edinburgh—Of the Royal Company of Archers—The Company of Golfers—The Society of Bowlers—The Company of Hunters—The Stage—The Concert—The Assembly—Card Assembly—Comely Garden.

NO circumstance can impress a stranger with a worse opinion of Edinburgh, than the first reception he meets in the city. The inns are mean buildings; their apartments dirty and dismal; and, if the waiters happen to be out of the way, a stranger will, perhaps, be shocked with the novelty of being shown into a room by a dirty sun-burned wench, without shoes or stockings. If he should desire to have furnished lodgings provided for him, he may still chance to find himself poorly accommodated. He is probably conducted to the third or fourth floor, up dark and dirty stairs, and there shown into apartments meanly fitted up, and poorly furnished. It is not in Edinburgh as in London, where tradesmen are obliged to have whole houses for themselves, the ground-floor for their shops, and can spare the principal floors for lodgers. In Edinburgh, letting of lodgings is a business by itself, and thereby their prices are very extravagant; and every article of furniture, far from wearing the appearance of being purchased for the accommodation of a happy owner, seems to be scraped together with a penurious hand, to pass muster before a stranger who would never wish to return.

In point of eating too, a stranger, (if by himself) must be greatly at a loss in Edinburgh. There are no shops in the town, where butcher-

butcher-meat, fish, fowl, or pastry, can be had, and the stranger has no other recourse between him and hunger, than to send for victuals, which he is sure to have very ill dressed, from a tavern. Till within these five years, there was no such thing in Edinburgh as a Coffee-house, where a person could go to dine by himself. There is now a lodging house, or *hotel*, in the New Town, where the accommodation is good, but the charge very extravagant, viz. for a dining-room, parlour, (or rather closet), and three bed-chambers, five guineas a week. When a family of distinction proposes to visit Edinburgh for a few weeks, their best way to procure accommodation would be, to desire a correspondent to take for them the furnished house belonging to some family then in the country; and, as for victuals, these *may be had* well dressed from taverns; but the number of such taverns is so small, that we do not chuse to mention it.

After the account that has been given, of the variety and the prices of provisions in Edinburgh, it must be allowed, that, if the tables are bad, it is the fault of the inhabitants. Accordingly, the tables of the citizens, or middling rank of people in Edinburgh, are more plentiful, and show much greater variety than those of the same rank in London; but, in general, the dishes are spoiled in dressing. This is easily accounted for. In every country where the common people have no ideas of the comforts of life, the middling rank cannot expect to be served by them expertly. The labourers, and low mechanicks in Scotland, live, till this hour, in a very wretched stile. Their houses are the receptacles of nastiness, where the spider may, in peace, weave his web from generation to generation. A garden, where nothing is to be seen but a few plants of coleworts or potatoes, amidst an innumerable quantity of weeds, furrounds his house. A bit of flesh will not be within his door * twice in the year, and his simple beverage is butter milk, or water. He abhors industry, and has no relish for the comforts arising from

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* We are not to be understood as speaking of Edinburgh, the poor people there, although equally dirty, live better.

it. His chief pleasure in this life being indolence ; his only speculation a future state, concerning which he forms a set of gloomy ideas, that have an opposite tendency from enlivening or humanizing the soul. This being the state of the commonalty, people whose ideas are more enlarged, and who have seen more of the world, cannot get themselves decently served, unless they are able to engage thorough bred servants, who are very ill to be had, and who, conscious how necessary they are, prove very troublesome.

The tavern is much frequented in Edinburgh, although by no means to such a degree as formerly. Within these fifty years, hardly any sort of business was transacted but in a tavern. No lawyer received a brief any where else. Each had his own apartment, in his particular tavern, where his clients attended him, as in his consulting-room ; and it now appears strange, how a well employed lawyer was not totally disqualified *from his business, by the quantity he drank in the course of it*. Even in the forenoon, an adjournment from the court of justice to the tavern, *to drink white wine and marmalade*, was a matter of course with the gentlemen of the long robe. Both these practices are now totally abolished.

Business, however, drinking, and gaming still draw a sufficiency of votaries to the tavern. These, in general, are dirty and dismal as the inns. An idle profusion of victuals, collected without taste, and dressed without skill or cleanliness, is commonly served up in them. There are, however, exceptions, and a Scots tavern, (if a good one), is the best of all taverns. That of charging by the dish, is not known in Scotland ; the rule is, so much *per head*. It cannot fail to surprise an Englishman, to see two compleat courses, containing every thing nice in season, at the rate of half a crown a head. But the great article from which the landlord expects his profit, is the wine, which is there drunk in much larger quantities than in England. The claret in the Edinburgh taverns, we think hardly so good as what may be had in those of London ; the port, incomparably better. But justice is not done to the consumer in
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the measure of the bottles, which are often * greatly under the standard.

The amusements and public diversions in Edinburgh, may be divided into such as are connected with bodily exercise, and practised without doors; and those which are performed within doors, whether the latter consist in viewing of spectacles, in playing at games of chance, in music, or in dancing. Of the former, that of archery is the most eminent, whether we respect its antient importance, or the marks of public distinction bestowed upon the company, which now exercises that amusement.

OF THE ROYAL COMPANY OF ARCHERS.

By the invention of gun-powder, the bow, which, in most nations of the world, civilized as well as barbarous, was the principal implement of war, came to be entirely superseded as a military weapon; and the expertness of archers, which formerly decided the fate of battles and of empires, can now atchieve no greater enterprize, than to carry off the palm in a gamesome and bloodless contest.

In both the united kingdoms, the importance of archery, in former times, is evinced by the anxiety to encourage it, manifested in the public statutes. In both, it was provided, that the importers † of merchandise should be obliged, along with their articles of commerce, to import a certain proportion of bows, bow-staves, and shafts, for arrows. In both, every person was enjoined to hold ‡ himself provided in bows and arrows, and was prescribed the frequent use of archery. In both, a restraint was imposed upon the || exercise

* This is a species of speculation well deserving the attention of the public, more especially as the poorer, who can only afford to buy their liquors in bottles, are the principal sufferers. A fraud of extraordinary magnitude of this sort, was discovered about a year ago; but we do not chuse to be more particular.

† James I. parl. 3. c. 47.; Edward IV. *anno* 12. c. 2. Richard III, an. 1. c. 11.

‡ James I. parl. 1. c. 18.; Henry VIII. an. 33. c. 9.

|| James, I. parl. 1. c. 17.;

James II. parl. 14. c. 64.; Henry VIII. an. 33. c. 9.

exercife of other games and fports, left they fhould interfere with the ufe of the bow; for it was intended, that people fhould be made expert in the ufe of it as a military weapon, by habituating them to the familiar exercife of it as an instrument of amufement. As there was no material difference between the activity and bodily ftrength of the two people; and, as no remarkable fuperiority is related of the one over the other in fkill of archery, it is probable, that the Scots and Englifh wielded the bow with no unequal * vigour and dexterity. By the regulations prefcribed in their ftatute-book for the practice of archery, we find that the Englifh fhoot a very long bow, thofe who were arrived at their full growth and maturity being prohibited † from fhooting at any mark that was not diftant upwards of two hundred and twenty yards.

In Scotland, a mufter, or military rendezvous, called a *weapon-fhawing*, was held twice or oftner in the year ‡. In the refpective counties, people were fummoned to it upon a premonition of twenty days, by the fheriff and other civil magiftrates, who, in conjunction with commiffioners appointed by the King, fuperintended this body of militia, divided it into companies, and appointed their captains. Thofe in all ftations were obliged to bear their part in this rendezvous, and to appear equipped in military array, conform to their rank. The Lords and Barons were required to give up, to the civil magiftrates and King's commiffioners, a lift of the followers who attended them in this mufter, and of the weapons with which they were accoutered, and the commiffioners were ordered to make up a roll of the whole, to be laid before the King.

Upon the old laws of weapon-fhawing, a plan feems to have been formed by the Jacobitical party, for intituting, under a pretext of fports and recreations, a military corps, which, as occafion offered, might afsemble under authority of law.

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* From fuch hiftorical monuments as remain, candour requires us to declare our opinion, that the Englifh were fuperior to the Scots in archery.

† Henry VIII. an. 33. c. 9. ‡ James II. parl. 14. c. 64.; James IV. parl. 3. c. 31.; James V. parl. 6. c. 85. c. 89. c. 91.

A society for encouraging and exercising archery had already been formed; had, upon their application, acquired * the patronage of the Scottish privy council, and got from them a prize, to be shot for by the company. They consisted of noblemen and gentlemen of distinction. The Marquis of Athole was their captain-general; and they held frequent meetings during the reigns of the royal brothers. For some time after the revolution, no traces of this company are to be discovered. But, upon the accession of Queen Anne, and death of the Marquis of Athole, they appointed the celebrated Sir George † Mackenzie, then Lord Tarbat, and secretary of state, and afterwards Earl of Cromarty, their captain-general. Having made choice of a leader of such approved fidelity, and powerful interest, the opportunity was laid hold of, to obtain from Queen Anne a charter under the great seal, erecting them into a royal company; reviving and ratifying, in their behalf ‡, the old laws and acts of parliament in favour of archery; giving them power to admit members, to make choice of a preses and council, to appoint their commanding officers, *‘and to meet and go forth under their officers conduct in military form, in manner of weapon-shawing, as often as they should think convenient;’* and prohibiting the civil magistrate from giving them any interruption. These rights and privileges they were appointed to possess after the mode of feudal tenure, and to hold them in fee blench of her Majesty, and her successors, paying therefor an annual acknowledgment of a pair of barbed arrows.

The first time, that, in consequence of this charter, they displayed any military parade, was in A. D. 1714. The critical state of the country, the hopes and fears of opposite factions, aroused by the condition of Queen Anne, whose death was fast approaching, and by the tottering and distracted state of the ministry, seem to have inspired unusual vigour into the company of archers. Their laws were

* Minute-book of the royal company of archers, v. I. p. 1. 3. 7. to p. 49.

† Ibid. from p. 41.

‡ Charter in the archives of the royal company.

were extended upon * vellum, adorned with festoons of thistles, and subscribed by the members. They did not hesitate to ingross in their minute-book, in terms which could † not be misunderstood, that they remembered, on his birth-day, the health of an exiled Prince. And, on the 14th of June, the Earl of Cromarty, their captain-general, although then upwards of eighty years of age, and the Earl of Wemyss, as their lieutenant-general, marched at the head of above fifty noblemen and gentlemen, cloathed in uniform, equipped in military ‡ array, and distinguished by their proper standards, from the parliament-square to the palace of Holyrood-house, thence to Leith, where they shot for the silver arrow given by the city of Edinburgh; and returned in similar parade; having received, from the different guards which they passed, the same honours that are paid to any body of the King's forces. But next year, the Earl of Cromarty being dead, the Earl of Wemyss headed a procession, in which above an hundred of the nobility and gentry assisted.

After the rebellion 1715, the archers made no parade for nine years. But the Duke of Hamilton being chosen their captain-general, they marched through Musselburgh A. D. 1724, and afterwards occasionally till the year 1743; since which time they have not displayed any public parade.

It is no ways surprizing, that this company was looked upon as disaffected to government during the reigns of the first and second Georges.

* This subscription-roll is divided into five columns of names. These are now filled up to the length of fourteen feet and a half. † Archers minute-book, v. 1. p. 103. 106.

‡ The uniform of the royal company of archers is tartan, lined with white, trimmed with green and white ribbons; a white sash, with green tassels; and a blue bonnet, with a St Andrews cross. The company have two standards. The first of these bears on one side Mars and Cupid encircled in a wreath of thistles, with this motto: '*In peace and war.*' On the other, a yew tree, with two men dressed and equipped as archers, encircled as the former, motto: '*Dat gloria vires.*' The other standard displays, on one side, a lion rampant gules, on a field, or encircled with a wreath; on the top, a thistle and crown, motto: '*Nemo me impune lacesset.*' On the other, St Andrew on the cross on a field argent; at the top, a crown, motto: '*Dulce pro patria periculum.*'

Georges. None, indeed, were then admitted into it, who were not supposed to bear an attachment to the house of Stuart. Upon the Cardinal de Tencin having meditated an invasion of Britain in favour of that unfortunate family, this company appointed a Highland chieftain, the head of a powerful and numerous clan, preses of their council; with a view, (as was supposed), of inducing him to raise his followers, and join the Pretender. After the late rebellion, the officers of state looked upon this society with so jealous an eye, that they actually appointed spies to watch their conduct, and frequent their companies.

The prizes belonging to this company, and which are annually shot for, are a silver arrow, given by the town of Musselburgh, which appears to have been shot for as early as the year 1603. The victor in this, as in the other prizes, has the custody of it for a year, then returns it with a medal appended, on which are engraved any motto and device which the gainer's fancy dictates. There are now a hundred and three pieces appended to this arrow.

The next prize is a silver arrow given to the royal company by the city of Edinburgh A. D. 1709. There are sixty-eight pieces of gold appended to it. The person who wins this prize gets L. 5 Sterling from the town of Edinburgh.

The last prize belonging to this society is a silver punch-bowl of about the value of forty pounds, made at the expence of the royal company A. D. 1720. To this bowl fifty-eight pieces are appended.

The affairs of this company are managed by a preses and six counsellors, who are chosen annually by the whole members. The council are vested with the power of receiving or rejecting candidates for admission, and of appointing the company's officers, civil and military.

This society had dwindled very much till within these few years, when it was revived merely by the attentions of the late Mr St Clair of Roslin, and the respect which was universally entertained for him.

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It now consists of about three hundred members, among whom are most of the Scottish nobility of the first distinction. The company meet weekly during the summer-season in Edinburgh, in the Meadows, where they exercise themselves in shooting at butts, or rovers. The want of a house of their own in the neighbourhood of the field being found inconvenient, the company *feued* from the town of Edinburgh about an acre of ground on the east end of the Meadows, for which they pay a feu-duty of L. 12 a year, and double that sum as entry-money every twenty-fifth year. Upon this area they began to build in August * 1776. The house which they have reared consists of a hall, forty feet by twenty-four, and eighteen high; two rooms of eighteen by nineteen, besides kitchen, cellars, lobby, and other apartments. The ground behind the house is laid out into a bowling-green. To defray the expence of this building, the company had only a stock of L. 300; the rest has been raised by subscription among the members; the expence of the whole amounting to about L. 1200.

OF THE COMPANY OF GOLFERS.

Golf is, in so far as we know, a game peculiar to the Scots. Among them it has been very antient; for there are statutes prohibiting † it as early as the year 1457, lest it should interfere with the sport of archery. It is commonly played on rugged, broken ground, covered with short grass, and bents, in the neighbourhood of the sea-shore. A field of this sort is in Scotland called *links*. The game is generally ‡ played in parties of one or two on each side. Each party

* The foundation-stone was laid by William St Clair of Roslin 15th August 1776. Beneath it was put a medal, with this inscription: ‘Has aedes, cohorti regiae sagittariorum proprias, condidit G. S. R. concilii pharetrati praefes, 17. Kal. Sept. A. P. C. N. 1776.’

‘Nulla Caledoniam gens unquam impune laceffet,

‘Usque sagittiferis robur et ardor inest.’

† James II. parl. 14. c. 64.

‡ A gentleman who published letters concerning the *diversions, customs, &c. of the Scots*, written during his residence in Edinburgh A. D. 1775, has been pleased to make the top of

party has an exceeding hard ball, somewhat larger than a hen's egg. This they strike with a slender and elastick club, of about four feet long, crooked in the head, and having lead run into it, to make it heavy. The ball being struck with this club, will fly to the distance of 200 yards, and the game is gained by the party who puts his ball into the hole with the fewest strokes. But the game does not depend solely upon the striking of the longest ball, but also upon measuring the strength of the stroke, and applying it in such direction as to lay the ball in smooth ground, whence it may be easily moved at the next stroke.

To encourage this amusement, the city of Edinburgh, A. D. 1744, gave to the company of golfers a silver club, to be played for annually by the company, the victor to append a gold or silver piece to the prize. It has been played for every year since, except the years 1746, 1747. There are now appended to it thirty-one silver balls, bearing the names of the respective conquerors.

For their better accommodation, twenty-two members of the company subscribed L. 30 each in the year 1768, for building a house, where their meetings might be held. The spot chosen for this purpose was the south-west corner of Leith links, where an area was taken in feu from the magistrates of Edinburgh. As this society is not a body-corporate, this property was vested in Mr St Clair of Roslin, Mr Keith of Ravelston, and Mr W. Hog, junior, banker, for behalf of the whole subscribers. The annual feu-duty payable by them to the

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of Arthur's-seat, and those of the other hills in the neighbourhood of Edinburgh, fields for the game of the golf. This observation is still more unfortunate than the general train of his remarks. Were a person to play a ball from the top of Arthur's-seat, he would probably have to walk upwards of half a mile before he could touch it again; and we will venture to say, that the whole art of man could not play the ball back again. When speaking of these letters concerning Edinburgh, it is our duty to observe, that they appear to have been composed merely for the amusement of the author. They are written with spirit and impartiality. But the facts and criticisms contained in them are, for the most part, equally ill founded. Yet so candid is this author, amidst his errors, that it is hard to say whether he is more erroneous when he speaks in praise or censure of the Scottish nation. *Topham's letters.*

town of Edinburgh is 20 shillings ; but, in case the house should be occupied by any but the company of golfers, L. 5. Upon this area a small commodious tavern is built, and behind it there is a bowling-green.

OF THE SOCIETY OF BOWLERS.

Bowling must also be reckoned among the amusements of Edinburgh. Certain gentlemen were erected into a society for keeping up this amusement by a *seal of cause* *, granted by the magistrates of Edinburgh 15th November 1769. This society, immediately upon its erection, took from the governours of Herriot's hospital a lease of the bowling-green belonging to the hospital, for twenty-one years.

A silver jack was gifted to the company in May 1771, by Mr William Tod, senior, merchant. This jack is played for annually ; and the gainer appends a medal, with any subscription agreeable to him, the expence of the medal being defrayed by the company.

OF THE COMPANY OF HUNTERS.

Hunting and horse-racing have been more or less in vogue ever since the restoration. A company of gentlemen, instituted for enjoying together the sports of the field, have subsisted at Edinburgh during great part of this period. But the company has been once and again given up, partly owing to the original members who composed it dying out, sometimes to the club getting into habits of extravagance, which made the members tire of it.

The company of hunters immediately preceding the present, had its first meeting at Edinburgh 10th January 1758, and was dissolved on the same day of the 1766. The present one was instituted at Hamilton-

* A seal of cause is the name bestowed upon those deeds of the town-council, by which they erect certain companies within their privileges into bodies-corporate, and approve of certain laws and regulations made for their good government.

Hamilton-house, the seat of the Duke of Hamilton, on the 2d of August last, by the name of *the Caledonian Hunt*. At its institution there were twelve members; there are now forty-five. This club has its head-quarters (if we may be allowed the expression) at Edinburgh; and meets occasionally in different parts of the country, as the inclination of the members dictates. The club is composed of nobility and gentry of the first distinction. They wear an uniform * at their meetings; and they give annually a magnificent ball at the palace of Holyrood-house. Among other rules of this company, they have established proper regulations to prevent gaming.

A pack of slow hounds is kept at Edinburgh by subscription of a set of gentlemen, who are not members of the *Caledonian Hunt*.

The races are commonly held at Edinburgh in the summer-season. The course is over the sands of Leith, which indeed are heavy and fatiguing for the horses, especially if they are not of strong bottom. The races last for a week. The prizes run for are, a piece of plate of fifty guineas value, given by the city of Edinburgh; a purse of fifty guineas, given by Sir Lawrence Dundas, the city's representative in parliament; another purse of fifty guineas, by subscription of the nobility and gentry, to be run for by actual hunters; his Majesty's purse of a hundred guineas; the ladies subscription purse; and the noblemen and gentlemens subscription purse of a hundred guineas. There are three stewards chosen from among the nobility and gentry, who decide differences, and adjudge the prizes. They appoint their own successors. The races are well frequented by company from the different parts of Scotland, and north of England. During the race-week, there are public diversions every night; and an excellent ordinary, at half a crown a head, is kept at Fortune's.

* Their uniform is scarlet, turned up with green, and a silver button.

OF THE STAGE.

We have already traced the origin of theatrical representations, and certain * changes which they had undergone; and observed, that, from originating in the church, they, by a striking vicissitude, came to be anathematized by the clergy, who, at the same time, were compelled by the mandate of James VI. to drop their censures of theatrical representations.

The civil wars, in the reign of Charles I. and the gloomy fanaticism which spread itself among the people, left neither leisure nor inclination for the amusements of the stage. Sports and gaiety were revived with the restoration. The stage was then renewed, with this engaging novelty, that women, for the first time, appeared upon it; female characters † having, before that, been personated by slender youths. But, although an exception, in favour of comedians, is made in a public ‡ statute, A. D. 1672, it does not appear that stage-plays were renewed in Edinburgh, till some years afterwards, when the Duke of York kept his court in that city.

At that time there were two companies of comedians in London; one under the patronage of the King, another under that of his brother. They were termed *the King's*, or *the Duke's* servants; were considered as part of their household; and, in that character, they || followed the courts of their respective masters, and wore a kind of livery by way of distinction. No salary, however, nor certain emolument being annexed to their service, the royal patronage was found insufficient for the subsistence of rival companies; and, therefore, they were united by letters patent, in A. D. 1684.

The university of Oxford had long been accustomed to compliment the King upon his accession, and upon any fortunate events in his reign, with a kind of academical jubilee, heightened by the representation

* Book 1. chap. 2. appen. No. 1.

† Charles II. parl. 2. sess. 3. c. 10.

‡ Histriomastix, p. 879. ; Cibber's life, p. 55.

|| Cibber's life, p. 53. p. 58.

sentation of a play every morning and evening while this jubilee lasted. These plays were performed by the London company, and termed *public acts*. The residence of the Duke of York at Holyroodhouse divided this company, and drew off the half of them to Edinburgh. In one of those *Oxford acts*, the party remaining apologised for their own weakness in the following ludicrous, but popular address to the university, written by Dryden :

- ‘ Discord and plots, which have undone our age,
- ‘ With the same ruin have o’erwhelm’d the stage.
- ‘ Our house has suffered in the common woe ;
- ‘ We have been troubled with Scots rebels too.
- ‘ Our brethren have, from Thames to Tweed departed,
- ‘ And of our sisters, all the kinder hearted,
- ‘ *To Edinburgh gone, or coach’d, or carted.*
- ‘ With bonny *blue cap*, there they act all night,
- ‘ For Scots half crowns, in English—threepence height.
- ‘ One nymph to whom fat Sir John Falstaff’s lean,
- ‘ There, with her single person, fills the scene.
- ‘ Another, with long use and age decayed,
- ‘ Died here old woman, and rose there a maid.
- ‘ Our trusty door-keeper, of former time,
- ‘ There struts and swaggers in heroick rhyme.
- ‘ Tack but a copper lace to drugget suit,
- ‘ And there’s a hero made without dispute ;
- ‘ And that which was a capon’s tail before,
- ‘ Becomes a plume for Indian Emperor.
- ‘ But all his subjects, to express the care
- ‘ Of imitation, go like Indians bare.
- ‘ Laced linen there, would be a dangerous thing,
- ‘ It might, perhaps, a new rebellion bring ;
- ‘ The Scot who wore it, would be chosen King.’

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The misfortunes attending the Duke's journey in his return to England, the political fever of his reign, and the sullen fanaticism into which that fever subsided, in the reign of his successor, once more dissipated so effectually all ideas of polite or rational amusement, that no return of the drama is to be traced in Scotland, even in the reign of Queen Anne, the Augustan age of her sister-country. It was not till after the ferment, excited by the union, and the confusion attending the rebellion 1715, had subsided, that any stage-adventurer thought of Scotland.

The first of these was Signora Violante, an Italian lady, celebrated for feats of strength, postures, and tumbling, disgusting in any, but, in a woman, intolerable. At that period, however, people were not of this opinion. In company with some Italians, this virago travelled over England, crossed to Dublin, and returned by the way of Edinburgh, where she fitted up that house in the foot of Carruber's close, which has since been occupied as a meeting-house, by successive tribes of sectaries. Encouraged by the prospect of success, Signora Violante collected a company of English comedians, renewed her peregrinations, and once more visited Edinburgh with her troop. For some years after this period, a strolling company of players annually visited Edinburgh; from a certain quarter, however, they met with great discouragement*. The presbyterian clergy were possessed with the most illiberal and violent animosity against the stage. The writings of their most popular divines, represented the play-house as the actual temple of the Devil, where † he frequently appeared

* It is to this discouragement that Mr Aston, one of the company, alludes, in the following verses, in his prologue to the first night's performance at Edinburgh, A. D. 1726.

- “ After a circuit round the Queen of Isles,
- “ To gain your friendship and approving smiles,
- “ Experience bids me hope ;—though south the Tweed
- “ The dastards said, “ He never will succeed.
- “ What ! such a country look for any good in,
- “ That does not relish plays,—nor pork,—nor pudding.”

Ramsay's Poems, vol. 2. p. 196.

† Address to the reader, and postscript to Durham on the ten commandments.

peared clothed in a corporeal substance, and possessed the spectators, whom he held as his worshippers. In the year 1727, the magistrates and presbytery of Edinburgh endeavoured to expel the comedians from their boundaries. The magistrates prohibited them from acting within the limits of their jurisdiction. A meeting of the presbytery was held on the occasion *, and a solemn deputation was appointed to wait on the magistrates, and express the presbytery's thanks to them, *for the just zeal they had shewn in the matter.* At the same time a committee of divines was appointed to draw up an *act and exhortation* against the frequenting of stage-plays, which was done accordingly, and read from all the pulpits in the district; but the comedians suspended the effect of the magistrates interdict, by bringing it under the review of the court of session, and continued to act notwithstanding the fulminations of the clergy.

From this time, Edinburgh, every two or three years, was visited by itinerant companies, who occasionally rented the *Taylor's-hall* in the Cowgate, so called from its belonging to the corporation of taylors. The price of admission was then two shillings and sixpence for pit and boxes, and eighteen pence for the gallery. At these rates, the Taylor's-hall, by a full house, drew about L. 40, or L. 45. The clergy were now in a condition to attack the stage with more effect. An act of parliament had been passed suppressing † play-houses. Such was the zeal of the presbytery of Edinburgh, that they brought an action upon the statute against the comedians, at their own expence, and prevailed ‡ in the suit. A writ of appeal was taken out, which suspended the decree of the court of session; and, that the theatre might no longer be harrassed by the church, application was made to parliament for a bill to enable his Majesty to license a theatre at Edinburgh. Petitions || against this bill were presented to the House of Commons, by the Lord Provost, magistrates, and town

* Rec. of presbytery of Edinburgh, 29th, 30th, Nov. 1727.

† An. 10. Geo. II.

c. 28. ‡ Scots mag. v. 1. p. 89. 1737. 1739.

|| Journals of House of Commons.

mons, 28th March, 10th April 1739.

town council of Edinburgh, by the principal and professors of the University, and by the Dean of Guild and his council, and the bill was dropped. As the clergy continued to rail against theatrical entertainments, a spirit of party was excited, in consequence of which, the theatre came to be unusually frequented. The Taylors-hall was found insufficient to accommodate the spectators.

During this glimpse of prosperity, the comedians differed among themselves; and a factious performer having engaged into his party the late Mrs Ward, then in the bloom of youth and beauty, attempted to ruin the manager of *Taylors-hall*, by setting up a new house. For this purpose a subscription was set on foot, and tradesmen were employed, who agreed to depend for their payment upon the proceeds of the house. An area was pitched upon to the west of St John's-street, Canongate, and the foundation-stone laid in August 1746, by Mr John Ryan of Covent Garden, an actor of distinguished merit. No sooner were the doors opened, than the Taylors-hall was deserted, and the manager ruined, a certain consequence of rivalry between theatrical companies any where but in London. The success of this house was for one season greatly enhanced by the following circumstance: One Robert Drummond, a printer, had been sentenced by the magistrates to be pilloried, and banished the city for a twelvemonth, for printing a defamatory poem, or libel, reflecting upon the Duke of Cumberland, and certain zealous whigs. His printing-house being shut up, and his journeymen and apprentices set idle in consequence of this sentence, it was contrived, that the pastoral comedy of the Gentle Shepherd should be acted by these journeymen and apprentices for the behoof of their distressed master. As the sentence against Drummond was deemed rigorous, and as it had become a party-affair, the scheme of a play was wonderfully relished, and the play repeatedly performed before such crowded houses, that it was found necessary to erect occasional galleries over the stage for the convenience of spectators.

The

The Canongate theatre was tolerably successful till the year 1752, and was occasionally visited by performers of merit from the capital; among whom Sparks, Lacy, and De Lane, deserve to be mentioned. By this time, few of the original proprietors were alive; the remaining ones were unable to carry on the management; it was, therefore, agreed on all hands, to dispose of the theatre to Mr Lee, an actor of eminence, and at that time the favourite of the town. The price paid for it was L. 648, and L. 100 a year during life to the surviving lessees. Mr Lee having, by reason of the sums he laid out on his newly acquired property, and from other causes, fallen into arrears to tradesmen, certain judges of the Court of Session, and other persons of distinction, sixteen in number, interposed their credit in Mr Lee's behalf; and, with a view to their own security, obtained from him a deed of conveyance of his property. Mr Lee being unable to discharge the debts, these gentlemen seized the theatre for their indemnification, turned out the person whom they had proposed to befriend, appointed the late James Callender merchant in Edinburgh to act for them, and engaged Mr Digges, who was then at Dublin, to supply the place of Mr Lee.

Lee complained heavily of these proceedings. He insisted, that the conveyance granted by him was merely a mode of security, not a deed of sale: That he had been imposed upon as to the form of the writ, and taken advantage of in the price specified for the subject, which was no more than L. 500, while the property was truly worth L. 1700. To obtain redress of his grievances, Mr Lee brought an action before the Court of Session; and a party was formed to oppose the new managers. After two or three pleadings, the action was dropped; and Mr Digges's figure and address defeated the opposition.

For a few seasons, the theatre was, under its new managers, carried on with appearance of success. Besides Messrs Ward, Love, Stamper, Griffith, Lancashire, all actors of merit, belonging to the company, it was visited by others from the capital; particularly

Mrs Bellamy, who afforded universal satisfaction. Mr Digges's private debts at last obliged him to withdraw, leaving the management of the theatre to Messrs Callender and Love. These afterwards yielded the management to John Dowson of Newcastle, and David Beatt of Edinburgh, who took a lease of the theatre; both of them mere adventurers, and equally ignorant of theatrical business. The confusion into which the theatre fell, speedily evinced how much Messrs Beatt and Dowson were unqualified to conduct it. Dissensions arose among the performers, which the managers were unable to allay. Each party had their friends among the public. The gentlemen of the long robe took a deep concern in the quarrel. The students at the University did not remain neutral. In a riot which ensued, the Canongate theatre was totally demolished; and the performers, who had drawn this ruin upon themselves, were left in extreme necessity.

During all this time, the gentlemen who had obtained a conveyance from Mr Lee, remained proprietors. They found themselves at this period involved in a debt of L. 900, on account of the theatre, without the shadow of a property to discharge it. They brought an action of damages against the young gentlemen concerned in the riot, in which their property was destroyed. The latter, with great address, traversed it by a counter-action against these proprietors, for having plays acted in their house, contrary to act of parliament. Many of those proprietors were now raised to the bench; hardly a quorum remained to decide the questions. The ludicrousness of the case was perceived, and both actions were dropped.

The Edinburgh theatre had hitherto been carried on contrary to law, under the evasion of '*a concert of musick, with a play between the acts.*' The prejudice against the stage had much abated, chiefly in consequence of *the tragedy of Douglas*, the idle clamours raised against that tragedy by the clergy, and the speculations which those clamours excited among the people. Their attention was turned to the stage, by the curious actions at law, which originated

nated from the late riot ; and it was resolved to apply for the authority of parliament, towards obtaining a licensed theatre. For this, the bill preparing to be presented for the extension of the royalty, afforded a ready opportunity. A clause was added to it, enabling his Majesty to license a theatre at Edinburgh.

The expence of this additional clause was defrayed by the gentlemen proprietors of the old theatre ; and the patent was taken out in the name of Mr Henry Davidson solicitor at law, their attorney. Although the public concerned themselves deeply in this business, no one adverted to the consequences of that mode of taking out the patent. When candidates appeared, all were surpris'd to find the sole disposal of the patent vested in these gentlemen. But they were still more alarmed, when they found, that the new patentee was to be loaded with the whole debts affecting the old theatre.

The candidates were Mr Lee, already mentioned, and Mr Ross, then a principal performer at Covent Garden. A violent contention ensued ; the first enjoying the public favour, while the last had a majority of suffrages among those who had vested themselves with the disposal of the patent. To Ross it was given accordingly, upon his making payment of L. 1100 to the old managers, being the amount of the debts and expences incurred by them. Thus did they get themselves rid of a scrape into which their fondness for theatrical amusements had unwarily drawn them.

Mr Ross having become patentee, set himself about building a new theatre. The spot pitched upon for this purpose, was in the extended royalty, at the north end of the bridge, where it produces the double effect of disgusting spectators by its own deformity, and of obstructing the view of the Register-office, perhaps the handsomest building in the nation. Ways and means were to be devised for raising money to defray the expence of this intended theatre. Mr Ross was already L. 1100 out of pocket for the patent. He proposed to raise L. 2500, in sums of L. 100 each, for which he was to give security upon the new theatre, wardrobe, and patent,

to pay for each sum or share of L. 100, three *per cent.* of interest, besides giving a privilege to the holders of the respective shares, of admission to all spectacles to be exhibited in that house. The shares, however, were only to be transferable, the capital was not to be exigible from the patentee.

By these, and other specious engagements, which, by the bye, were not over punctually fulfilled, about twenty-five gentlemen were induced to subscribe, and a sum of L. 2500 was thereby raised to the patentee. The building was begun A. D. 1768, and the house opened in December 1769; the expence of house, wardrobe, and scenery, amounting to about L. 5000. The design of the theatre resembles that of Bristol; it is simple, commodious, and elegant. When Mr Ross obtained the patent, the price of admission was raised to three shillings, pit and boxes; two shillings the gallery; and one shilling the upper gallery. At these rates, the house holds about * L. 140.

A temporary, but heavy misfortune, befel the play-house before it was compleated; namely, the downfall of the bridge, by which any tolerable communication between it and the city was cut off. The indifference of the company which the manager had provided, gave little inducement to people, at the expence of such disagreeable access, to visit his theatre: But he exclaimed loudly in his own defence, that good performers were so discouraged by the fall of the bridge, that they would not engage with him; and his popularity not being equal to his merit as an actor, but rather proportioned to his indolence as a manager, he made but an unsuccessful campaign. The fact is, Edinburgh does not give encouragement to the stage proportionable to the populousness of the city. This does not proceed so much from the remaining leaven of fanaticism, as from the poorness of Scots fortunes, the inconsiderableness of the trade and manufactures, or the smallness of the profits arising from them. These do not admit of ordinary gentlewomen, or the wives and daughters

* The Canongate theatre at 2 s. 6 d. 1 s. 6 d. and 1 s. held between L. 70 and L. 80.

daughters of shop-keepers and mechanicks going often to the play-house ; therefore they keep their penny till some occasion, (no matter what), makes it reported that *the house is to be throng*, then every one crowds to the theatre, while, without such report, its walls would be desolate. As for the gentlemen, the stage has not such attractions for them, as the social pleasures of the bottle, or the pungent emotions of the hazard-table.

The success of the patentee not being suitable to his expectations, he let the theatre for three years to Mr Foote, who, with Messrs Woodward and Weston, at the head of a good company, opened the second season of the new house ; and, after paying the proprietor his rent, cleared upwards of L. 1000. Edinburgh lay at an inconvenient distance for a person in Mr Foote's situation. He conveyed the lease to the old manager Mr Digges, in conjunction with Mr Bland. Mr Bland had originally been taken into partnership with Mr Ross, and had, with that view, contributed L. 400 of the price of the patent : But his concern was afterwards repurchased by Mr Ross, for an annuity of L. 100 a-year, with which the theatre continues to be charged. Digges and Bland set out with an excellent company, in which Mrs Hartley made her first appearance. In that season they cleared upwards of L. 1400.

Upon the expiry of Mr Foote's lease, Messrs Digges and Bland entered into a new contract with Mr Ross, by which they agreed to pay him for a lease of his theatre five hundred guineas *per annum*. It does not appear, that the proceeds of the Edinburgh stage can afford so large a rent to the patentee or proprietor, and also yield a decent profit to the lessee. The present managers have rested their own interest upon the most solid basis, namely, paying the most industrious attention to please the public, by grudging no trouble nor expence, in bringing excellent actors upon the stage. Accordingly, during their management, every capital performer in Britain, GARRICK excepted, has appeared upon the Edinburgh stage. Yet this high rent bears so hard upon the lessees, that they are not able to decorate

decorate the theatre, nor provide a fuitable wardrobe; and Mr Digges being obliged, once more, to withdraw from Edinburgh, from prudential considerations, the proceeds of the theatre are decreasing; so that, unless some new plan be adopted, the whole must again go to ruin.

Having finished the history of the Edinburgh stage, it will be proper to take notice of certain theatrical incidents, which we omitted in the course of our narration. These are, the riot of Culloden; the riot upon the farce of High Life below stairs; and the tragedy of Douglas.

After the rebellion 1745, the divided spectators frequently displayed in the theatre a spirit of political dissention. Upon the anniversary of the battle of Culloden 1749, this animosity rose to a height which threatened consequences of a serious nature. Certain military gentlemen who were in the play-house, called out to the band of musick to play *Culloden* *. This was regarded by the audience as ungenerously and insolently upbraiding the country with her misfortunes. Resenting it accordingly, they ordered the band to play, *you're welcome* † *Charles Stuart*. The musicians complying, instantly a number of officers attacked the orchestra with drawn swords, and leaped upon the stage. Among them was the son of a chieftain, who had drawn the Pretender on to his rash attempt, by offering to join him with his clan, and who, upon the Prince's landing, raised his clan, it is true; but, instead of fulfilling his engagements, joined the royal army. This young gentleman leaping upon the stage, to display the zealoufness of his loyalty, slipped his foot, and fell flat upon the stage. The spectators being tickled with the circumstance, an immense peal of laughter burst through the house, which exasperated the indignation of the officers. Mean time, fiddle-sticks being unable to cope with polished steel, the musicians fled; but the military were not long able to remain masters of

* A tune composed, in order to keep up the remembrance of the bloody defeat of an unfortunate party.

† A song of the Jacobite party.

of the field. They were assailed from the galleries with apples, snuff-boxes, broken forms, in short, with every thing missile that could be laid hold of. The officers at once consulted their safety, and went in quest of revenge, by quitting the stage, in order to attack the galleries, which they stormed sword in hand. The inhabitants of these upper regions defended themselves from the fury of the soldiers, by barricading their doors. The Highland chairmen learning the nature of the quarrel, with their poles attacked the officers in the rear, who, being neither able to advance nor retreat, were obliged to surrender at discretion, leaving the chairmen masters of the field.

Luckily no misfortune of any consequence happened in this fray; and, to prevent similar disturbances, bills were next day pasted up, wherein it was notified, in large rubrics, that, for the future, the band of musick was not to play any tunes at the desire of the audience, but select pieces appointed by the managers.

About twenty years ago, the practice of giving vails to servants prevailed universally through Scotland. Nothing can be conceived meaner, on the part of a master, than permitting his servants to be paid by others than himself; nothing more inhospitable towards guests, than suffering them, in a manner, to pay for their entertainment. Nothing can tend more to make servants rapacious, insolent, and profligate, than allowing them to display their address in extracting money from the visitors of their lord; yet this custom had crept in universally. Its bad effects had already been severely felt, when an outrage of the footmen in the play-house displayed the evil in so strong a light, as to occasion its redress.

Although it is the province of the stage to lash the vices, and ridicule the follies of people in all ranks; yet, soon after the farce of *High Life below stairs* was published, the footmen, taking it in high dudgeon, that a farce, reflecting on their fraternity, should be exhibited, resolved that it should be no more performed. Accordingly, upon the second night of its being announced in the bills, as a part
of

of the entertainment, Mr Love, one of the managers, came upon the stage, and read a letter, containing the most violent threatenings, both against the actors and the house, in case the piece should be represented; declaring, that above seventy people had agreed to sacrifice *fame, honour, and profit*, to prevent it. Notwithstanding this fulmination, the performers were ordered to go on. That servants might not be kept in the cold, nor induced to tipple in adjacent ale-houses while they waited for their masters, the humanity of the gentry had provided, that the upper gallery should afford, gratis, admission to the servants of such persons as were attending the theatre. Yet, did the only part of the spectators, which were admitted for nothing, presume to forbid the entertainment of their masters, because it exposed the vices of their own order. No sooner was the piece begun, than a prodigious noise was heard from the footmens-gallery. They were ordered to be silent, but ineffectually. Many of the gentlemen discovered, among this noisy crew, their individual servants. When these would not submit to authority, their masters, assisted by others in the house, went up to the gallery; and it was not till after a battle, and that the servants were fairly overpowered, and thrust out of the house, that quietness could be restored.

So daring an insult made it not only necessary that the servants should be deprived of the freedom of the play-house, which they had so grossly abused; but that the practice of giving vails, so pernicious to their morals, should be abolished. The gentlemen of the county of Aberdeen had the merit of being the first to make a resolution neither to give, nor allow their servants to receive, any money from their visitors, under the name of drink-money, card-money, &c.; and instead of it to augment their wages. They were followed by the gentlemen of the county of Edinburgh, by the Faculty of Advocates, and other respectable public bodies; and the practice was utterly exploded over all Scotland. It is surprising, that, considering the good sense and generosity of the English, so dirty and pernicious a custom, a custom so oppressive upon poor gentlemen, who visit in the

the houses of their superiors, should, on the south side of the Tweed, be in part allowed to remain.

After the presbyterian clergy had railed against the stage upwards of a century and a half, it was a matter of no small mortification to them to behold a play written by one of their own order, acted in presence of several of their number, and received with universal applause. The tragedy of Douglas was performed first at Edinburgh on the 14th December 1756. It was acted, for successive nights, before persons of all ranks and professions, and had a run unprecedented in any theatrical piece exhibited in Scotland.

The presbytery of Edinburgh took the alarm. They called before them such ministers within their district as had witnessed the performance of the play, and passed upon them a sentence of temporal suspension from the pastoral office. They, at the same time, wrote circular letters to those presbyteries in which any clergyman belonging to them had been present at the theatre, recommending rigorous proceedings against them. They went about to misrepresent the conduct of a certain clergyman, while in the play-house, interpreting, into riotous behaviour, a conduct that was in all respects manly, honourable, and decent. With regard to the play itself, they attacked it, on account of its pretended irreligious and immoral tendency, alledging, in support of their charge, that there were certain impious invocations, or mock-prayers, in it; and an expression* of horrid swearing; besides, that it encouraged suicide. As to the author, he was cited to appear before his own presbytery, to answer the libel brought against him. But the poet, foreseeing the disagreeableness of his situation, and perhaps having no violent attachment to his profession, declined an appearance before his brethren, at the expence of resigning his pastoral charge. With respect to their flock, the presbytery drew up an *act and exhortation*, which

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* The expression found fault with was the following: ‘ By him that died on the accursed tree;’ an oath taken almost verbatim from the old English ballad of ‘ Adam Bell Clym of the Clough,’ &c. See Reliques of Antient Poetry.

was read from all the pulpits, and afterwards made its appearance in some periodical publications. In this address, the presbytery, after making the hackney'd complaint, of the growth of immorality and irreligion, set forth, either from involuntary ignorance *, or with deliberate falsehood, that the Christian church had, in all ages, condemned dramattick representations. They proceeded, in whining jargon, to ‘warn, exhort, obtest, and plead, with all † within their bounds, to discourage the illegal and dangerous entertainments of the stage; and to restrain those under their influence from frequenting such seminaries of vice and folly.’ The presbytery of Glasgow (though nowise concerned) joined in the cry, ‘lamenting the melancholy fact, that there should be a tragedy written by a minister of the church of Scotland.’

Exhortations, so full of fanaticism, or hypocrisy; measures, so illiberal, and oppressive, roused the public attention, and, by leading people to consult their own reason, in a good manner dissipated the prejudices which had hitherto subsisted against the stage. Thus a striking lesson was afforded, ‘That extravagant and unsuccessful attempts to enslave the minds of men must be productive of increasing liberality of sentiment.’

OF

* It is really deplorable to see a public body, so respectable from their function, addressing the public with so gross an untruth. It has been already shown, that, in modern Europe, the stage originated from the church; B. I. c. 2. But to be more minute. Such was St Paul’s opinion of dramattick performances, that he has actually given a verse of the Thais of Menander, as a passage of holy writ; 1 Corinth. xv. 33.; *Reliquiae Menandri clerici*, p. 79. *Grotii Excerpta ex Menandro*, p. 72. 73. St Gregory of Nazianzen, one of the Fathers, and Bishop of Constantinople, wrote a piece, entitled, ‘*Christus patiens, Tragedia, sive potius Tragi-comedia* ;’ *St Gregorii Nazianzini op. v. 2. p. 253*. Upon the dawn of Letters, the Greek comedy was revived by Cardinal Bibiena, and tragedy by Trissino Archbishop of Benevento; *Essai sur les Moeurs et l’Esprit de Nations*, par Voltaire, p. 368. The general assembly of the church of Scotland expressly admitted of theatrical exhibitions, provided the subject was not scriptural; *Book of Universal Kirk*, p. 145. 161. Buchanan wrote, ‘*Jephthes, sive votum, tragedia* ;’ and ‘*Baptistes, sive Calumnia, tragedia* ;’ besides translating the *Medea* and *Alceste* of Euripides, Milton wrote *Samson Agonistes*, and Comus, a Mask.

† This remarkable specimen of cant and jargon may be seen in the *Scots magazine*, v. 19. p. 18.

OF THE CONCERT.

The musical society of Edinburgh, whose weekly concerts form one of the most elegant entertainments of that metropolis, was first instituted in the year 1728.

Before that time, several gentlemen, performers on the harpsichord and violin, had formed a weekly club at the Cross-keys tavern*, where the common entertainment consisted in playing the concertos and sonatas of Correlli, then just published; and the overtures of Handel. That meeting becoming numerous, they instituted, in March 1728, a society of seventy members, for the purpose of holding a weekly concert. A governour, deputy-governour, treasurer, and five directors, are annually chosen by the members, for regulating the affairs of this society. Its meetings have been continued since that period much on the same plan, only the place where they are held has been changed from St Mary's Chapel to their own hall. These meetings are only interrupted during three or four weeks of the vacation, in the months of September and October.

The present Concert hall, which is situated in a central part of the town, was built A. D. 1762. The plan was drawn by Sir Robert Mylne, architect of Blackfriars-bridge, after the model of the great opera theatre at Parma, but on a smaller scale; and the expence was defrayed by voluntary subscription among the members. The musical room is reckoned uncommonly elegant. It is of an oval form; the ceiling, a concave elliptical dome, lighted solely from the top by a lanthorn. Its construction is excellently adapted for music; and the seats ranged in the room in the form of an amphitheatre, besides leaving a large area in the middle of the room, are capable of containing a company of about five hundred persons. The orchestra is at the upper end, which is handsomely terminated by an elegant organ.

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The

* Kept by one Steil, a great lover of music, and a good finger of Scots fiddles.

The band consists of a *Maestro di capella*, an organist, two violins, two tenors, six or eight *ripienos*, a double or *contra-basse*, and harp-fichord; and occasionally two French horns, besides kettle-drums, flutes, and clarinets. There is always one good singer, and there are sometimes two, upon the establishment. A few years ago, the celebrated Tenducci was at the head of this company. The principal foreign masters at present in the service of the musical society are, first violin, Signor Puppo; second, Signor Corri; violincello, Signor Schetky; fingers, Signor and Signora Corri. All of these are excellent in their different apartments. They have salaries from the society according to their respective merits.

Besides an extraordinary concert, in honour of St Cecilia, the patroness of music, there are usually performed, in the course of the year, two or three of Handel's oratorios. That great master gave this society the privilege of having full copies made for them, of all his manuscript oratorios. An occasional concert is sometimes given upon the death of a governor or director. This is conducted in the manner of a *concerto spirituale*. The pieces are of sacred musick; the symphonies accompanied with the full organ, French-horns, clarinets, and kettle-drums. Upon these occasions, the audience is in deep mourning, which, added to the pathetic solemnity of the musick, has a noble and striking effect upon the mind.

The musick generally performed, is a proper mixture of the modern and antient stile. The former, although agreeable to the prevailing taste, is not allowed to debar the amusement of those, who find more pleasure in the old compositions. In every plan there are one or two pieces of Corelli, Handel, or Geminiani.

Among the number of members, which is now increased to 200, there are many excellent performers, who take their parts in the orchestra, especially in extraordinary concerts, where sometimes a whole act is performed solely by the gentlemen-members.

Formerly some of the members of this society instituted a catch-club, which met after the concert. On the great concert, in honour

nour of St Cecilia, the governour and directors were in use to invite a few of their friends, and strangers of fashion, to an entertainment of this kind, after the concert, where select pieces of vocal musick were performed, intermingled with Scots songs, duets, catches, and glees. There were many excellent voices in the catch-club, who sung each their part at sight; and the easy cheerfulness which reigned in this select society, rendered their meetings delightful. When the Prince of Hesse was in Scotland in 1745-6, his Highness, and several of the nobility, were elegantly entertained by Lord Drummore, then governour of the musical society, and the gentlemen of the catch-club. The Prince was not only a *dilettante*, but a good performer on the violincello. The Scots songs, and English catches, were to him a new and an agreeable entertainment. The selection of company, which, for some years, gave high spirit and repute to this joyous convivial club, by degrees relaxed; it of course became numerous and expensive, and at last broke up.

Company are admitted to the entertainments of the concert, by special tickets, which are not transferable, and serve for the night only upon which they are granted; and, in the admission, which is always gratis, except at the benefit-concerts given for the emolument of performers, a preference is constantly shown to strangers. By an uniform adherence to the spirit and rules of the society, and a strict oeconomy in the management of their funds, the musical society has subsisted these fifty years, with great honour and reputation; and, at present, it is esteemed one of the most elegant and genteel entertainments, conducted upon the most moderate expence, of any in Britain.

OF THE ASSEMBLY.

An assembly is held once or oftener weekly, during the winter-season. A regular assembly was first held in Edinburgh about the year 1710. It continued entirely under private management till

A. D.

A. D. 1746. It has since been under the guidance of seven gentlemen directors, who manage it in behalf of the Charity work-house, and Royal Infirmary, to whom the property of the Assembly-hall now belongs. But the oeconomy of dancing, and other business of the night, is superintended by a woman of fashion, appointed by the directors.

This lady sits at the head of the room, and wears, as the badge of her office, a gold medal, with motto and device, emblematical of charity and parental tenderness. The tickets for admission are sold for half a crown. From the receipts of the house, the expence of lights and musick is defrayed, as well as of tea and coffee, which are furnished to the company without any additional charge. The residue is divided equally between the Charity work-house and Royal Infirmary.

A new house for holding assemblies is much needed in Edinburgh. In the present one, the dancing-room is neither elegant nor commodious. The door is so disposed, that a stream of air rushes through it into the room; and, as the footmen are allowed to stand with their flambeaux in the entry, before the entertainment is half over, the room is filled with smoak almost to suffocation. There are two tea or card-rooms, but no supper-room. When balls are given in the Assembly-room, and after them supper, nothing can be more awkward or incommodious to the company, than the want of distinct apartments for supper and dancing. At present, upon these occasions, the table is covered in the dancing-room before the company meets. Additional tables are set out, when room is made for them by the dancing being over. Chairs are to be brought in, and waiters are pouring in with dishes, while the company are standing all the while in the floor. As this inconveniency can only be remedied by building a new assembly-house; so, that can only be brought about by subscription, for the city of Edinburgh have no funds at present for carrying on such a work.

OF THE CARD ASSEMBLY.

An assembly was instituted A. D. 1774, for genteel people of both sexes meeting to play at cards. This assembly is supported partly by subscribers, partly by other company who occasionally resort to it. Its meetings are held once a week in the winter-season. There are an unlimited number of subscribers who pay a guinea each, annually, for a ticket, which entitles them to constant admission. The subscribers alone have the power of giving tickets of admission to this assembly; so that there is by no means a promiscuous company: But those who are thus introduced, pay half a crown each for their tickets. Besides the expence of the rooms, tea and coffee are given without any additional charge. The surplus, after defraying this expence, goes to a widow gentlewoman who manages the rooms.

OF COMELY GARDEN.

A wretched attempt to imitate Vauxhall, for which neither the climate nor the gardens are adapted.

CHAPTER.

CHAPTER III.

*Of the University of Edinburgh, and other Seminaries of Learning—
The College Library—Observatory—Botanic Garden—High School—
Academy for Drawing—Royal Academy—Academy of Deaf and
Dumb—Society for Propagating Christian Knowledge—Philosophical
Society—Medical Society—Speculative Society.*

UNIVERSITIES were originally ecclesiastical corporations, instituted for the advancement of learning. As bodies-corporate, they could hold and purchase property, sue and be sued. From pious or charitable motives, or the love of learning, they received * ample endowments from noble and royal donors, and enjoyed valuable and important privileges. They were generally exempted from public taxations, and were allowed to appear by their representatives in the public † councils.

Not only the professors, but the students also, were members of the body-corporate, over which its distinguished officers ‡ possessed an ample jurisdiction, extending to all civil cases, and to such criminal ones as were not of a capital nature; and its members, that their leisure might not be interrupted, nor attention distracted from literary pursuits, enjoyed a privilege, that they could not be summoned before any court but those of the University; while, at the same time, they could compel others to follow their tribunal.

over

* Charter by James I. to the University of St Andrews, 31st March 1432, and by James II. to the University of Glasgow, 20th April 1453, in Archives of the Universities of St Andrews and Glasgow. Book of discipline of the church of Scotland, v. 2. p. 561.

† In England the two universities send representatives to parliament. The Scots universities send members to the General Assembly. ‡ Cor. jur. civ. Cod. lib. 4. T. 13. L. ult. Charter by the Bishop of St Andrews, penult. Feb. 1411, in archives of St Andrews; Blackstone's commentary, v. 3. p. 83.

The chancellor was the supreme magistrate in most universities. This distinguished office was held by the Bishop of the diocese, who presided in the general councils of the university, and * exercised over it a visitatorial authority, in so much that, when the founder of a college inclined to subject it to a visitor of his own appointing, he found it necessary to apply for a papal bull exempting it from the jurisdiction of the ordinary of the diocese.

The officer next in rank to the chancellor was the rector. The prerogatives of these respective officers, in different universities, were various. As it was the privilege of these learned bodies to confer degrees of licentiate, Bachelor and Master of Arts, and Doctor in the learned professions; so, in some universities, this power was exercised by the chancellor, in others by the rector. In the Scottish ones, the rector was the judge-ordinary †, who, with the advice of assessors, generally chosen from among the professors of theology and law, heard and determined causes. An appeal, however, lay from his decrees to the general court of the university, composed of all the professors or regents, in which the chancellor presided; and it would appear, that, from this court, an appeal lay to the King. At the same time, if these university-courts were exceeding the powers vested in them by their foundation; or, if one was assuming the power of the whole, or rejecting the suffrages of a person entitled to vote, an action for redress before the court of session was competent.

The rector was chosen annually by the whole members of the university, students as well as professors, (at least by such students as had obtained a degree). As most of the universities in Europe were founded after the model of that of Paris, so the fashion of the Parisians,

C c c

* Charter by James I. *ut sup.* *Bulla Papae Nicolai V.* in archives of the University of Glasgow, A. D. 1450.; Blackstone's comment. v. i. p. 482.

† Charter by James I. *ut sup.* ditto, by Bishop of Glasgow, 1st December 1453.; Old rector's book, p. 83. 120. in archives of Glasgow.; James VI. parl. 23.; Unprinted acts, No. 71.; Fountainhall, 22d July 1707. 21st Dec. 1711. 19th Feb. 1712.; Blackstone vol. i. p. 484.

rifians, in chufing their rector, was obferved. The constituent members of that univerfity were divided into four nations, viz. thofe of France, Picardy, Normandy, and Germany. Each nation chofe a delegate. The four delegates chofe the rector, and, in cafe of an equality of voices, the former rector decided the preference. Thus, in chufing their rector, the constituent members of the Univerfity of St Andrews were divided into four claffes or nations, termed the Fifans, Lothians, Albans, and Brittons. But the erection of other univerfities made a new partition of diftrict neceffary. Accordingly, the members were divided into the claffes by which they are ftill diftinguifhed, viz. Fifans, Lothians, Angufians, and Albans. In the univerfities of Glasgow and Aberdeen, the members are arranged in a fimilar manner.

The firft univerfity founded in Scotland, was that of St Andrews, A. D. 1412. Edinburgh not being erected into an epifcopal fee till long after the reformation; and it being unusual, if not unprecedented, to have univerfities erected any where but in metropolitan cities, was, perhaps, the reafon why no college was eftablifhed at Edinburgh during the times of popery. It was not, however, deftitute of feminaries of learning. James I. perhaps the beft of the Scottifh princes, in lieu of an univerfity, eftablifhed at Edinburgh a convent of Gray Friars, and prevailed upon the vicar-general of that order to fend from Cologn feveral * learned men, who fettled in different parts of Scotland, particularly in the convent which bore their name at Edinburgh, where divinity and philofophy were constantly taught till the reformation.

Popery, and the institutions connected with it, whether founded for the propagation of piety and learning, or from charitable motives, fell in one common ruin. The demolition of the edifices gratified the barbarous zeal of the reformers, the defpoiling of the revenues, their avarice. Accordingly, upon the eftablifhment † of the reformation, the citizens made loud complaint of the increafing number
of

* Hope's minor practicks, p. 499.

† Council reg. v. 4. p. 42. 27. Aug. 1562.

of the poor, and the ruinous state of schools, and other seminaries of learning. To enable the community to provide for their poor, Queen Mary bestowed upon * them all the houses belonging to any of the religious foundations in Edinburgh, with the lands and other revenues appertaining to them in any part of the kingdom. This grant was confirmed by James VI. who also bestowed upon them a privilege of erecting schools and colleges, for the propagation of science, and of applying the funds bestowed on them by his mother Queen Mary, towards building houses for the accommodation of professors and students †. He further gave full power to every one to give in mortmain-lands, or sums of money, towards the endowment of these schools and colleges, giving to the town-council liberty to elect, with advice of the ministers, professors in the different branches of science, ‘with power to place *and remove them as they shall judge expedient*; and to enjoin and forbid all other persons from teaching,’ &c. within the city, unless admitted by the council. This grant, and all the subsequent ones made by James VI. in favour of the university, were ratified by parliament ‡; and all immunities and privileges bestowed upon it, that were enjoyed by any college in the kingdom.

The town-council having got eight thousand merks || in a § legacy from Robert Reid Bishop of Orkney, for the purpose of founding a college, began to build a college A. D. 1581, a grant to that effect being previously obtained.

In the year 1583, the town-council instituted Mr Robert Rollock, then a professor in St Salvador’s college, St Andrews, professor in the college of Edinburgh, whose reputation allured a number of students to the infant-college **. It was the fashion of the times, not that the masters in the university should adhere each to a particular profession,

C c c 2

* Invent. to the city cart. of Edinburgh, 13th March 1566.

† Invent. to city

cart. of Edinburgh.

‡ Unprinted acts James VI. parl. 23. No. 49.

|| About

L. 590 Sterling.

§ Council reg. v. 6. p. 128. 188. 189.

** MS. History of the

College of Edinburgh, in Advocate’s Library.

fession, but that the same professor who began with giving lectures on humanity to his students, should proceed with them in the branches of mathematicks and philosophy, till their course was finished, and the students had received the degree of *Master of Arts*. Mr Rollock accordingly began with teaching humanity; but the students were found unqualified by their ignorance of the language, and, at the recommendation of Rollock, Duncan Nairn was appointed second professor, and the students were put under his charge to be instructed in the principles of the Latin tongue.

In the 1586, Mr Robert Rollock was appointed principal of the college; yet he still continued to teach his class, and next year was chosen professor of divinity, which office continued united with that of principal of the university till A. D. 1620. Before he began his course of lectures on divinity, Rollock had carried his students through the usual branches of academical learning, and forty-eight of them received, at one time, the degree of *Master of Arts*, out of whom four were afterwards chosen principals or professors in the university.

About this time it was resolved to institute two more professors of philosophy. For this purpose placards were published, inviting men of science to enter the lists in a public disputation on philosophy, in which the victors were to be installed in the new professorships. In consequence of this public invitation, six candidates appeared, and after solemn disputation for ten days, Mr Colt of Inveresk, and Mr Scrimzeour of Irvine were preferred, as the most deserving.

James VI. endowed this university with certain church-lands and tithes in the counties of Lothian and Fife. He seemed to take pride in considering himself as its patron, and he ordained it to bear the name of *King James's College*. From * time to time it has received fundry donations from well disposed people, both for endowing professors and maintaining of bursars; and many additional professorships in the various branches of science have been instituted.

The

* MS. hist. of University. ; Maitland's hist. p. 364. 365. 366.

The town-council of Edinburgh are the absolute patrons and governours of this Univerſity. They not only inſtitute new profeſſorſhips, and elect profeſſors, but can depoſe them alſo, the formality, *but not the juſtice, of their proceedings being liable to review.* An eminent inſtance of this happened A. D. 1626. Mr William Struthers, one of the miniſters of Edinburgh, and moderator of the preſbytery, in cenſuring a probationer, had uſed ſome diſgraceful expreſſions derogatory to philoſophy; among others, terming it the *diſh-clout* to divinity: Mr James Reid, one of the profeſſors, offended at this expreſſion *, introduced the matter at a public graduation, attacked the clergyman's doctrine reſpecting philoſophy, calling it *faſſam et rigidam*. The miniſter, provoked at this contradiction, and getting his brethren to join with him, brought a charge againſt Mr Reid before the town-council, with a view to get him depoſed. Mr Reid was well reſpected by the council, and they adviſed him to retire to his houſe in Fife, on pretence of an illneſs which he laboured under, till the rancour of the clergy ſhould abate. He followed their advice; and the miniſters took the opportunity of his abſence, to tamper with the new members, admitted at the enſuing election of the town-council, to his prejudice. He returned to town in October. The miniſters, urging the cauſe warmly againſt him, and he, conceiving the council to have taken ſome ſteps prejudicial to him, while the cauſe was yet in dependence, appealed from them to the privy council. They, again, offended at this diſreſpect to their juriſdiction, inſtantly, upon his appeal, depoſed him from his profeſſorſhip, and elected another in his place, aſſigning no expreſs cauſe for his depoſition, but only '*for reaſons known to the council, and moving them.*' He attempted a reduction of the ſentence, but to no effect; and he obtained a mandate from the court, for re-inſtating him; but it was diſregarded. At laſt, tired with the conteſt, he gave in a voluntary reſignation.

The

* MS. hiſt. of College.

The first visitation of the University of Edinburgh was held A. D. 1614. The town-council appointed sixteen of their own number, and five of the ministers of Edinburgh, visitors, joining with them three advocates, as their assessors.

There was never, in the University of Edinburgh, an officer, similar to that of Chancellor in the other learned academies. Indeed, this office, (as it has been exercised in Scotland), has been found of so little utility, as of late to have been bestowed by way of compliment by the professors upon some nobleman of distinction. At the same time, as the Bishop of the diocese was officially Chancellor*, the King may still appoint that supreme officer to such of the Scots Universities as are of popish institution. There was, however, in the College of Edinburgh, a rector; but that magistrate by no means enjoyed the extensive jurisdiction annexed to the office in the other Universities.

The salary of the Principal of the College of Edinburgh was originally very small. In order to provide for him a comfortable living, and, at the same time, to make his situation the more respectable, he was allowed to reap the emoluments of the professorship of divinity, and to hold the rank and authority of rector. But, in the year 1620, these offices were disjoined. The Principal's salary, from about forty guineas, was augmented to sixty; and Mr Andrew Ramsay was appointed professor of divinity, and rector. He continued in these offices till A. D. 1626, when he resigned them both. For a year they lay vacant, when the town-council resolved to fill up the office of rector with a person *who was not a member of the University*. They installed in that office Alexander Morison, Lord Prestongrange, one of the judges of the Court of Session. He, accordingly, appeared in council, and before them took the oath *de fidei administratione*; but it does not appear that he exercised the duties of his function.

As

* This accounts for there being no Chancellor of the University of Edinburgh. It was not an episcopal see; the Bishop of the diocese was already Chancellor of the University of St Andrews; there was no body to assume the office.

As the town-council had visited the College annually since the year 1614, the rector was the more remiss in his office. The council now resolved, that, instead of making periodical visitations of the College, they should annually chuse a rector, whom they should direct in the duty required of him, and ascertain the * powers of his office, by articles framed for that purpose. Agreeably to this resolution, in A. D. 1640, they chose Mr Alexander Henrison, one of the ministers of Edinburgh, rector of the University, ordaining a silver mace to be borne before him on all solemnities; and appointing certain members of the town-council, ministers of Edinburgh, and professors in the College, his assessors. They drew up a set of instructions, empowering him to superintend all matters respecting the College, whether connected with its revenues, fabrick, the education of youth, or the conduct of the *principal*, professors, and other members of the University, and their conformity to its regulations; with power to the rector to admonish offenders, and, in case of their obstinacy, to make report to the council: As also, to judge and determine upon trifling disputes between the members among themselves. The custody of the matriculation-roll was also given to the rector, and the students ordained to be matriculated in his presence, and that of the principal, and of the professors of the class, to which the respective students belonged. He was also to be furnished with an inventory of the College revenues, and donations in its favour. At the same time, the rents of the College were ordered to be collected by an officer appointed for the purpose, who was to be called *the College treasurer*. For some years, we find the rector exercising his office. But the troubles which distracted the nation, and no regular records of this University having been kept, render it impossible for us to ascertain when that office was discontinued, or
how

* We know not why that office, the supreme in the University, has of late been discontinued. Nothing can be more certain than the constitution of the office, and power of the town-council to supply it. For the rector of the University of Edinburgh is acknowledged among the number of its officers in an express act of parliament; Unprinted acts, James VI. parl. 23. No. 49.

how the College was governed for a considerable period. We only discover, that Oliver Cromwell, who, although a notorious usurper, better understood, and more steadily supported, the interest and glory of his * country, than most of her lawful monarchs, was not unmindful of this University, but endowed it with an annuity of L. 200 Sterling.

After the restoration, the students at the University of Edinburgh appear to have been pretty much tainted with the fanatick principles of the covenanters. In the year 1680, when the Duke of York was at Edinburgh, they resolved to manifest their zeal by a solemn procession, and burning † a pope on Christmas-day. The magistrates having got intelligence of their design, and being resolved to prevent a ceremony calculated to affront the Duke, as well as foment sedition, sent a party of soldiers to stop the procession. They, accordingly, in so far interrupted it, that, instead of his Holiness being burned, with all solemnity, at the cross, the students were fain to burn him post-haste in Blackfriars-wynd; and seven of the rioters were apprehended, were committed to custody for a few days, and then liberated. Violent denunciations of revenge against the magistrates were heard. But it was not supposed, that these young people had been so early imbued with that furious zeal, and rancorous malice, which their subsequent conduct evinced. Upon the 11th of January following, the house of Priestfield, the seat of Sir James Dick, Lord Provost of Edinburgh, (the family being in town), was set on fire, and, with all the furniture, burned to the ground. A barrel, half full of combustible materials, was found in a neighbouring park; and several people deposed, that, on the night of the conflagration, they saw some young men with unlighted links in their hands, and a dark lanthorn, going towards the house of Priestfield; but, notwithstanding a pardon and reward of 200 ‡ merks being offered by the privy council to any who would discover their associates,

the

* Council reg. v. 19. p. 272.

† MS. letters in possession of Sir Alexander Dick of Priestfield; Wodrow's hist. v. 2. p. 217. 218.

‡ About L. 110 Sterling.

the actual perpetrators were never detected. The College-gates were ordered to be shut, and the students to withdraw themselves fifteen miles from the city. But, in ten days, the College-gates were thrown open, and the students allowed to return, upon their friends becoming caution for their peaceable behaviour.

To repress the fanatick principles which were prevailing in it, Charles II. appointed * a visitation of the University of Edinburgh, nominating the great officers of state, the Bishop, Lord Provost and Magistrates of Edinburgh, and certain others, visitors, of whom five, together with the Bishop and Provost of Edinburgh, to be a quorum; ordaining them to inquire into the condition of the College, its revenues, privileges, and fabricks; to examine if the laws of the kingdom, the church-government, and old rules of discipline, were observed; to prescribe methods of teaching; to punish mutiny and faction; to correspond with the other Universities, that uniformity of discipline might be observed; and to make a report before the first of November 1683. What the visitors did, in consequence of their appointment, we are not able to ascertain.

As that visitation was appointed with a view towards the suppression of fanatick principles; so, upon the revolution, a parliamentary visitation was ordained, of all the Universities † in Scotland, with the purpose to remove, and to oppress, such as continued attached to the hierarchy, or the house of Stuart. From such specimens of their conduct in a visitatorial capacity, as we have been able to discover, we are entitled to say, that these parliamentary visitors proceeded with great violence and injustice.

Proclamation was made, and printed edicts pasted up at the Cross and College-gates of Edinburgh, and at Stirling, Haddington, &c. &c. charging the principal and professors of the university, and schoolmasters in the city of Edinburgh, and in the neighbouring shires, to appear before the committee of visitors on the 20th of

D d d

August

* Invent. to city cart. of Edinburgh, v. 3. p. 309. 312.
parl. 1. sess. 2. chap. 17.

† William and Mary.

August ensuing, to answer upon the points contained in the act of parliament *: *Also, summoning and warning ' all the lieges † who ' have any thing to object against the said principal, professors, &c. ' &c. to appear before the said committee the said day and place, to ' give in objections,' &c.* After an edict, which bespoke, that the country, although it had been subjected to a revolution, had not acquired a system of liberty, nor the rudiments of justice; after an invitation, so publickly thrown out by the commissioners of parliament, in a nation distracted by religious and political factions, it is not to be supposed that *informers* would be wanting.

The committee met at Edinburgh on the day appointed. Sir John Hall, the Lord Provost, sat as preses. After adjourning his trial for eight days, they brought before them Doctor Alexander Monro Principal of the university, Sir John Hall addressing him, bid him answer to the different articles of his indictment; and immediately turning to the clerk, commanded him to read them aloud. To the two first articles, (one of which was, that he had renounced the protestant religion), the Principal answered extempore. But, when he found the clerk proceeding with a long roll of he knew not what, he complained of proceedings so unjust and illegal, desired to know his accusers, and be allowed time to prepare his defences. He was, accordingly, furnished with a copy of the information against him, which he found *had not been subscribed*, and indulged with a few days to give in answers to the charge. Having lodged his answers, which contained an acknowledgment ‡ of certain immaterial articles laid to his charge, and denial of the rest, he was asked by the commissioners, If he was willing to take all the tests, religious and political, lately imposed by law? To this, having answered in the negative, a sentence of deprivation was passed upon him, in which his acknowledgment of certain articles charged against him, and his refusal to embrace the different formulas prescribed, were blended together, as the grounds of the sentence.

The

* Presbyterian Inquisition, p. 104. 105.

† i. e. subjects.

‡ Presbyterian Inquisition, from p. 22. to p. 47.

The next person brought before the commissioners was Doctor John Strahan professor of divinity. He, as well as the Principal, was served with an unsubscribed libel. But the form * and issue of the proceedings, the Doctor's refusing to embrace the formulas, and the sentence of deprivation passed upon him, were so conformable to the case of Doctor Monro, that it is needless to describe the particulars. It does not appear that any other of the professors in the College of Edinburgh were deprived; and the violent proceedings adopted by the commissioners at Edinburgh were not imitated by the visitors of the other Universities.

Since the reign of William, that seminary of learning has not been disgraced by contests between opposite factions. Cherished by the munificence of her Sovereign, and by the faithful care and attention of the magistrates of Edinburgh, the University has been daily becoming a more extensive academy of learning. New professorships have been instituted, as men of eminence appeared, qualified to instruct youth in the different branches of science; and, in the faculty of medicine, from some titular professors without lectures or students, Edinburgh has risen to be perhaps the first medical school in Europe. The number of students in the different professions, or who are studying philosophy or languages, annually resorting to this seminary of learning, have of late amounted to a thousand, of whom, about four hundred are pursuing the study of medicine.

The office of rector having of late been discontinued †, Doctor
D d d 2 William

* Presbyterian Inquisition, from p. 73. to p. 85.

† LIST of the present PROFESSORS in the University of Edinburgh, with their respective Salaries.

FACULTY OF THEOLOGY.

	L.	sh.	d.
William Robertson, D. D. Principal of the University, and primary professor of divinity	111	2	0 $\frac{2}{3}$
Robert Hamilton, D. D. professor of divinity	161	2	0 $\frac{2}{3}$
Robert Cumming <i>Regius</i> professor of divinity and church-history	100	0	0
			James

William Robertson, historiographer to his Majesty, and minister of the Old Gray Friars, Principal, is head of the University. The different professors are classed into four faculties, those of Theology, Law, Medicine, and Arts. There are, in the faculty of

THEOLOGY,

DR WILLIAM ROBERTSON, PRINCIPAL OF THE UNIVERSITY,
AND PRIMARY PROFESSOR OF DIVINITY. He teaches no class.

DR

L. sh. d.

James Robertson, D. D. professor of Oriental languages, librarian, and secretary to the University

119 12 3

FACULTY OF LAW.

James Balfour advocate, *Regius* professor of the law of nature and nations, upwards of

200 0 0

Robert Dick advocate, professor of civil law

100 0 0

William Wallace advocate, professor of Scots law

100 0 0

John Pringle advocate, professor of civil history, and Greek and Roman antiquities.

100 0 0

FACULTY OF MEDICINE.

Alexander Monro, M. D. professor of anatomy and surgery

50 0 0

William Cullen, M. D. professor of the practice of medicine

0 0 0

John Hope, M. D. *Regius* professor of botany

77 15 6 $\frac{1}{2}$

* Francis Home, M. D. professor of *materia medica*

0 0 0

Joseph Black, M. D. professor of chemistry

0 0 0

James Gregory, M. D. professor of the theory of medicine, and dean of the faculty of medicine

0 0 0

Thomas Young, M. D. professor of midwifery

0 0 0

Regius professorship of natural history, vacant

70 0 0

FACULTY OF ARTS.

Adam Ferguson, L. L. D. professor of moral philosophy

102 4 5 $\frac{1}{2}$

Hugh Blair, D. D. *Regius* professor of rhetoric and belles lettres

70 0 0

Andrew Dalziel, M. A. professor of Greek

52 4 5 $\frac{1}{2}$

John Hill, M. A. professor of humanity

52 10 0

John Robison, M. A. professor of natural philosophy

52 4 5 $\frac{1}{2}$

Dugald Stewart, M. A. professor of mathematics and astronomy

113 6 8

John Bruce, M. A. professor of logic, and dean of the faculty of arts

52 4 5 $\frac{1}{2}$

* The salary of King's physician is divided among those gentlemen who have no salaries as professors.

DR ROBERT HAMILTON PROFESSOR OF DIVINITY. This gentleman gives lectures every Monday, Tuesday, and Friday, during the season. On the Mondays he gives critical dissertations on the original text of the New Testament, taking occasion to answer such objections as are commonly urged by the adversaries of our faith to revealed religion in general, or the tenets of the church of Scotland in particular. On Tuesdays and Fridays he gives lectures on the short system of Divinity, composed by the late Professor Ricbet of Geneva. He also meets with his students on Wednesday and Friday; but these days are devoted to the delivery of discourses composed by the students, on subjects prescribed to them. As the respective discourses are delivered, the Professor desires the students in general to communicate any observations they may have made upon the discourse, at the same time calling up three or four of them by name, to deliver their opinions, the Professor either sustaining the justice of their remarks, or pointing out their fallacy. There are commonly from a hundred and fifty, to a hundred and eighty students of divinity at this university.

ROBERT CUMING, *Regius* PROFESSOR OF DIVINITY AND CHURCH HISTORY,

Gives a course of lectures on the rise and progress of Christianity, the manner in which it blended itself with the different sects of philosophy; also on the manner in which it spread itself over Europe, concluding the whole with a state, historical and descriptive, of the different sects of Christians.

JAMES ROBERTSON, D. D. PROFESSOR OF HEBREW,

Prelects upon the Hebrew grammar. When his students are instructed in the declension of nouns and verbs, he proceeds to read an historical book of the Old Testament, as also select poetical passages in holy writ. In this class the Professor gives some lectures upon the antiquity, history, and genius of the Hebrew tongue.

In

In another class, which is intended for those who have been instructed in the principles of the language, he reads some of the Psalms, and books of prophecies, taking every opportunity to illustrate those passages that have a reference to Jewish antiquities. The Professor also gives lectures on the principles of the Arabick and Persian languages. This course is chiefly calculated for those young gentlemen who are about entering into the service of the East India Company, and it has been found to be attended with considerable benefit.

FACULTY OF LAW. JAMES BALFOUR ADVOCATE, PROFESSOR
OF THE LAW OF NATURE AND NATIONS.

At the request of Principal Carstairs, the late King William bestowed a part of the Bishops rents for founding a certain number of bursaries in the University of Edinburgh *. This pious foundation was afterwards stripped to serve a political job of the Earl of Ilay. As much of the rents as was destined for the support of fifteen poor students, contrary to the solemn remonstrances of the magistrates of Edinburgh, was applied to make up a salary for an intended professor of the law of nature and nations. The office was bestowed on Mr Charles Erskine, afterwards Lord Justice Clerk. Mr Balfour teaches no class.

MR ROBERT DICK ADVOCATE, PROFESSOR OF CIVIL LAW,

Gives lectures to two classes. Those who enter upon the study, he instructs in Justinian's Institutes. The text-book upon which he lectures is Heineccius's methodical treatise upon the Institutes. To this class the Professor generally reads the same course of lectures twice in the season. To his second, or more advanced class, he gives commentaries on the Pandects, chusing for his text-book *Heineccius ad Pandectas*; in both courses passing over such parts of the

* Inventory to city cart. v. 3. p. 331.; Maitland's hist. p. 368.

the text, as respect the *usus modernus* of the Germans. The Civilians (it seems) think it their duty to reconcile all the seemingly contradictory passages in the *Corpus Juris Civilis*, as the divines do with regard to the scriptures. This attempt to establish the consistence of the different parts of the system on which he lectures, forms a part of Mr Dick's labours. In both classes he daily examines his students upon the subject of his former lecture. Mr Dick is now the only professor in the College who prelects in Latin. Indeed, nothing appears to us more incongruous than to prelect in English upon the Roman law, a practice which in some places is adopted. Some instances of gross ignorance in the Latin tongue have lately occurred, which make it to be dreaded that this *key* to science is too much neglected.

MR WILLIAM WALLACE ADVOCATE, PROFESSOR OF SCOTS LAW,

Prelects upon that excellent compendious system of the law of Scotland, written by the late Mr Erskine his predecessor. From his text, he descends minutely into the doctrines of the Scots law, as conformable to the present practice. He does not, indeed, like the Divine and Civilian, endeavour to reconcile all the opinions of the different writers who are held to be of authority, far less the decisions of the court. He follows a more useful, as well as practicable plan. He points out any discrepancies in the opinions of the commentators, and marks the successive variations in the train of decisions pronounced by the court, upon which the fluctuating state of the Scots law too much depends. He also remarks any changes that may have been made in the law by statutory authority, as well as the attempts by judgement of the House of Lords upon appeal to render it fixed. Mr Wallace's course is finished within three months; but he gives no dissertations upon the criminal law.

Mr

MR JOHN PRINGLE ADVOCATE, PROFESSOR OF CIVIL HISTORY,
AND GREEK AND ROMAN ANTIQUITIES,

Teaches no class.

FACULTY OF MEDICINE.

We have already remarked the deplorable state of the science of medicine * at Edinburgh, in the end of the last century ; most of those who took upon themselves the title of physician, being nothing else than quacks and mountebanks ; and have also given some account of the Royal † College of Physicians. The first medical professors instituted at Edinburgh, were Sir Robert Sibbald and Dr Archibald Pitcairn, A. D. 1685. These illustrious names, however, in no ways tended to the establishment of a medical school. They were but titular professors. The Royal College of Physicians, although possessed of an exclusive right of *practising*, were debarred from *teaching* in Edinburgh ; and, for thirty years afterwards, a set of lectures on the officinal plants in summer ; in winter a superficial course of chymistry ; and once in two or three years, the dissection of a human body by the titular professor of anatomy, completed the extent of medical education at Edinburgh.

The attempt towards having the different branches of physic regularly taught at Edinburgh, was first begun A. D. 1720. At that time the father and predecessor of the present Dr. Monro, being instituted a professor in the university, began a course of lectures on anatomy and surgery : As did Dr Alston at the same time on *materia medica* and botany. Soon afterwards Dr Rutherford was appointed to prelect on the practice of medicine. Doctors Sinclair and Plummer were also chosen to teach the theory of medicine and chymistry. The institution of the Infirmary gave the students an opportunity of hearing a set of clinical lectures, and the abilities of the professors in the va-

rious

* See book 1. c. 4.

† See book 2. c. 4.

rious branches of this science, have been constantly augmenting the reputation of the University as a school for medicine.

The medical classes are opened on the last Wednesday of November, and from that time till the beginning of May, five lectures are given by each professor weekly, Christmas week excepted.

The professors in this faculty are,

ALEXANDER MONRO, M. D. PROFESSOR OF ANATOMY AND SURGERY.

Both these branches are taught by this professor, in one continued course of lectures and demonstrations. In each, he illustrates his doctrines not only by dissections, but also by a great variety of anatomical preparations, and by parts of morbid bodies preserved, which he and his father have been collecting at great pains and expence, for more than half a century. The whole of these preparations, Dr Monro (we are assured) has bequeathed to the university in the event of his death; a circumstance we mention the more readily, as it may induce practitioners in the medical art, to send him such things as may, with propriety, be added to his collection, the only public repository of the kind in Scotland.

WILLIAM CULLEN, M. D. PROFESSOR OF THE PRACTICE OF MEDICINE.

In his lectures on the practice of physic, treats of the particular diseases to which the human body is liable, describing their symptoms in such manner, as critically to distinguish them from each other. He also gives an account of the remote, and attempts to ascertain the proximate causes of diseases. Founded upon the latter, the professor delivers the method of cure peculiar to himself, at the same time taking care to inform his pupils of whatever the experience of past ages, or of the present times, has offered to the purpose of curing diseases.

JOHN HOPE, M. D. *Regius* PROFESSOR OF BOTANY,

During the summer, reads lectures five days in the week. These prelections have, of late, been so much enlarged, that, for a considerable part of the course, the professor is under a necessity of meeting his students twice a day. In the first part of his course, he treats of vegetation, several parts of which, he explains by a variety of experiments in the Botanical Garden*. In the second, he unfolds the botanical system, and treats fully of the natural orders of plants. The third is devoted to the explanation of the nature and use of exotick plants; the whole being concluded with a history of botany.

To promote a laudable emulation, he gives annually to the gentleman, who, among his pupils, most remarkably distinguishes himself, a gold medal, struck for the particular purpose; and the students, in general, have freer access to the garden, than is permitted in foreign universities.

FRANCIS HOME, M. D. PROFESSOR OF *Materia Medica*,

Teaches that part of practical medicine commonly called *Materia Medica*. It comprehends the remedies made use of in the cure of diseases, and their general effects on the human body. The effects of alimentary substances in health and disease, make the first part of this course. The second comprehends the history, effects, and modes of operation, not only of simple medicines, but of every sort of simple remedy, application, or assistance, used by physicians in restoring health. The third part, called Pharmacy, treats of prepared and compounded medicines.

JOSEPH BLACK, M. D. PROFESSOR OF CHYMISTRY.

The lectures on chymistry, delivered by Dr Black, comprehend an enlarged view of this science, considered as a part of natural philosophy,

* See a description of the Botanical Garden *infra*.

lofophy, explaining many of the moft extensive operations and curious phaenomena of nature. They alfo difplay a particular hiftory of the objects of chymiftry, their various qualities, and the changes they are made to undergo, to adapt them to the ufe of arts, particularly of pharmacy. The whole is illuftrated with a great number of experiments and proceffes.

JAMES GREGORY, M. D. PROFESSOR OF THE THEORY, AND
DEAN OF FACULTY, OF MEDICINE.

This young gentlemen, whose father difcharged the duties of a medical profeffor in this univerfity with great reputation, teaches the institutions of medicine, commonly called the *theory of phyfick*. This courfe is intended as a preliminary to that of the *practice* of medicine. It comprehends three different branches, the phyfiology, pathology, and therapeia.

The firft of thefe includes the general doctrine of life and health. In the fecond is delivered the general doctrines of difeafe, and the nature, caufes, and effects of deviations from the natural or healthy ftate, are pointed out. The third teaches the nature, effects, and mode of operation, of remedies employed to rectify fuch deviations.

THOMAS YOUNG, M. D. PROFESSOR OF MIDWIFERY,

Is the firft eftablifhed profeffor * who has given lectures on midwifery in this univerfity. He was intituted by the town-council,

E e e 2

A. D.

* Befides thefe various claffes, there are fome private fchools for medicine at Edinburgh. For nearly thefe twenty years, a courfe of lectures on furgery has annually been given by Mr James Rae, member of the Royal Incorporations of Surgeons. Two claffes are alfo taught by Dr Duncan. In the one, he gives a comprehensive view of the theory and practice of medicine. This courfe is chiefly calculated for affording to thofe who are entering upon the ftudy of this fciende, an introduction to fubjects afterwards to be confidered on a more extenfive fcale; and for prefenting to thofe who have already heard lectures on thefe branches of medicine, the various opinions and views concerning many doubtful,

A. D. 1756. He gives three courses in the year, each of which last about three months. They comprehend not only the practical part of midwifery, but the several diseases peculiar to women; likewise the management of new-born children, and the diseases to which they are subject.

To render this branch of education still more compleat, the students have access, under certain regulations, to the lying-in ward, which was fitted up at the expence of Dr Young, in the Royal Infirmary; and there they have frequent opportunity of practising in midwifery.

CLINICAL LECTURES.

Besides these branches of medical education, clinical lectures on the cases of patients in the Royal Infirmary, are given by Dr Home and Dr Gregory. The intention of this course is to show the students the application of the doctrines they have been learning to particular cases, to point out the varieties and particularities which occur in real practice, and to familiarise students to the sight and management of patients. The students also attend the ordinary physicians to the hospital, to see, and to learn their practice. But, with the clinical professors, they both see the practice, and have the reason of it explained; and those circumstances pointed out which deserve

doubtful, yet important questions, which are entertained by different teachers. Thus affording to the medical students at Edinburgh, an advantage formerly not to be acquired but by resorting to other universities. In the other class, Dr Duncan prelects upon the cases of the patients admitted to the benefit of the Dispensary, (see *infra*, article Dispensary) explaining the nature of their diseases, prescribing towards their cure, and unfolding the reasons for the different prescriptions, similar to what is done in the clinical lectures given in the Royal Infirmary. As no branch of medical education is better calculated for conveying useful instructions to students, than proper remarks on diseases, as they occur in practice; and, as the benefits of this charity are confined to such patients, whose particular chronic diseases make it improper for them to be admitted into an hospital, this institution must be of considerable utility. Of this the numerous students attending the class afford additional evidence. For the accommodation of his students, the Doctor has built a commodious teaching-room in the neighbourhood of Surgeons-hall.

deserve attention in the nature and progress of diseases. The clinical professors are allowed to choose from among all the patients, those whom they think the most proper subjects for lectures. Two wards are assigned for their reception, one for the men, another for the women. Although Dr Home and Dr Gregory are the only physicians who, at present, give clinical lectures; yet it is considered as a branch of duty incumbent on all the medical professors, which, therefore, as occasion offers, they should respectively exercise.

FACULTY OF ARTS.

JOHN HILL, A. M. PROFESSOR OF HUMANITY,

Teaches two classes. The first is attended by young gentlemen just come from the grammar-school. The professor pays much attention to the rules of syntax and parts of speech, thereby attempting to remedy such radical defects, as sometimes arise from inattention, even in those students who had before been taught by the best masters. Parts of Cicero, Livy, Virgil, Terence, and Horace, are generally read in this class. Frequent exercises are prescribed to the pupils, in the way of turning English into Latin, and Latin into English; and the students are regularly examined, as often as the numbers that attend the class will permit.

In the second class, which generally consists of those who have attended the first, the difficulty of the authors read, and of the tasks prescribed, is proportioned to the increasing knowledge of the students. Prelections are read to them upon the darkest and most philosophical parts in Horace and Juvenal, as well as upon authors who are rarely, if at all, read at schools: Besides these, three lectures are read in the week. In one part of them, a character is given of the Latin classics, and an explanation of the principles of their composition. In another, a short history of the Latin tongue, and the changes it has undergone. In the last, is delivered a compendious system of Roman antiquities. Topicks chosen from these various
branches

branches are assigned to the students as the subjects of essays, which, after they have composed, they must deliver in publick.

ANDREW DALZIEL, M. A. PROFESSOR OF GREEK,

Also teaches two classes, and meets with each of them two hours in the day. In the first class, the elements of the Greek language are grammatically taught. A part of the New Testament, of Xenophon, or of Lucian, together with some of the odes of Anacreon, and a book of the Iliad, are read and explained. Upon all these the students are minutely examined, and the principles of general, as well as particular grammar, constantly inculcated.

In the second class, some part of the works of Herodotus, Thucydides, Demosthenes, or of some other prose authors, are read, and grammatically and critically explained; so likewise are several books of the Iliad or Odyssey; of the Idyllia of Theocritus, or a tragedy of Sophocles or Euripides. As this class is attended by many students for three years, those who are in the first year of their attendance, are arranged apart from the more advanced students, and examined upon easier authors. Those who attend it for two courses, are admitted to the third *gratis*. Besides explaining the Greek authors, Mr Dalziel gives lectures at least twice a week, on the history, government, manners, the poetry, and eloquence of the antient Greeks. Exercises on these subjects are prescribed to the advanced students; and discourses delivered by them in presence of the principal, and other professors.

JOHN BRUCE, M. A. PROFESSOR OF THE FIRST PHILOSOPHY,
OR LOGICK CLASS, AND DEAN OF FACULTY OF ARTS.

This professorship was instituted A. D. 1586. It was called, '*the philosophy, or logick class*,' a title which, in the diplomas of the University, it still retains.

The

The present professor, observing, that, while every branch of science had been new-modelled, his department retained all the pedantry of the schools, has formed his lectures on a new * and enlarged plan. As this class is an elementary one, his general object is to prepare his students for a liberal cultivation of the sciences and arts, by means of a previous acquaintance with the human mind, and with the method of studying nature. His prelections are divided into two classes. The first course consists of five branches.

1. Pneumatology, or the history of the powers and faculties of the human mind, as the means employed in studying nature.

2. Logick, or the method of directing and applying the faculties of the mind, in studying and arranging the different laws of nature. Under this article, the rise and influence of the synthetick method, and syllogism, the rise and spirit of analysis, and the philosophical induction of Lord Bacon, are explained. The natural progress of thinking is traced from language, the sign of thought, and universal grammar connected with the logick of nature. To this are subjoined rules for philosophising in physicks and ethicks, with an account of the sources of sophistry, and of the Aristotelian and school-logicks.

3. Metaphysicks, or an analysis of those general truths which are the foundation of all the sciences, with the evidence by which they are to be established. The subjects in this branch are considered under the titles of General Ontology; Evidence and Truth; Error in Science; the Relation of the sciences to the *Belles Lettres*.

4. A short view of the method of applying philosophical analysis and induction to the general study of nature.

5. The elements of civil history, as connected with the history of philosophy. In this head, are given a short view of the progress of mankind in the antient and modern world; the state of letters and philosophy at the periods into which this progress is divided; the reciprocal influence of philosophy and subordination in their rise and decline,

* First principles of philosophy for the use of the students of logick, printed A. D. 1777.

decline, with the effects of both on the manners of mankind. The students in this class undergo frequent examination; and exercises are prescribed to them on the subjects of the lectures, which are occasionally recited before the Principal, or some of the professors.

In the second class, the chief object is to apply the method of philosophical analysis and induction to the study of the sciences and arts. This course is introduced with a recapitulation of the first principles of philosophy taught in the first class, as they are to be applied to a general description of the proper subjects of philosophy. It is divided into three branches.

1. The theory and prospectus of Lord Bacon are explained, as the first effort to re-establish genuine science; and the first display of the proper subjects of reasoning, with the effects which both have had on natural and moral philosophy.

2. The theories and divisions of later philosophers, on his plan, are enumerated.

3. A theory, founded on the natural progress of the mind in philosophising, from history to science and to art, is explained. The subjects of history, the sciences, and arts, are discussed; and an explanation given of the species of arrangement, evidence, induction, and theory, peculiar to each of these great branches. As this finishes the elementary course of philosophy, it is concluded with lectures on the branches of education necessary for each of the liberal professions, and on their relation to public oeconomy.

HUGH BLAIR, D. D. *Regius* PROFESSOR OF RHETORICK AND
BELLES LETTRES,

Began, in December 1759, to give lectures on rhetorick, as a private person. His lectures were well attended, and received with great applause. This induced the magistrates of Edinburgh, in August following, to grant the Doctor a commission, in which, after setting forth his qualifications, and the general approbation with which he had

had begun his course, they constituted him professor of rhetorick in the University ; but, under condition, that he should not be entitled to any salary from the city on that account. In April 1762, the King erected and endowed a professorship of rhetorick and *Belles Lettres* in the University of Edinburgh, and appointed Doctor Blair to that office, with a salary of L. 70 yearly, during life.

This establishment, although one of the latest in the University, is by no means the least valuable. The subjects of which the Doctor treats in his lectures, and the manner in which they are considered, equally tend to render this course both instructive and agreeable. It consists of five parts. In the first, lectures are delivered on the general subject of taste. These are chiefly to be considered as introductory to the whole. Here the separate powers of Taste and Genius are accurately distinguished and illustrated.

The second part treats of language, or the expression of our ideas by certain articulate sounds, which are used as the signs of those ideas. It consists of observations on the different kinds of language, as written, or spoken ; and on its different parts, as substantives, attributives, and connectives. In the third part, observations are offered on the different qualities of stile, and on rhetorical figures.

The fourth part consists of observations on eloquence. Here, three kinds of public speaking are particularly considered : The eloquence of popular assemblies, of the pulpit, and of the bar. In the fifth and last part, a critical examination is delivered of the different sorts of composition in prose and in verse. Here, the qualities of history, of philosophical writing, of dialogue writing, of epistolary writing, and fictitious history, are considered ; so likewise are pastoral, lyric, epick, and the other species of poetry. Under each of these heads, a critical examination is delivered, of the most eminent literary productions, both of antient and modern times. This part is concluded with observations on tragedy and comedy, when an opportunity is taken of comparing the merits of the antient, the French, and the English writers on these subjects. Upon the whole,

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from the nature of this course, it must be of the greatest use not only to those who intend to communicate their sentiments to others, either by speaking in public, or in writing, but to all who wish to have their taste improved, and to become acquainted with the principles of true criticism.

ADAM FERGUSON, LL.D. PROFESSOR OF MORAL PHILOSOPHY.

The lectures on moral philosophy delivered by Doctor Ferguson are composed on an extensive plan, and treat of subjects of the utmost importance. This course, as presently taught, besides some introductory lectures on science in general, and on the causes which have retarded its progress, consists of seven parts.

The first treats of the natural history of man; first, considering the history of the species, and then of the individual. The second part respects the theory of the mind. After an enumeration of the laws of the understanding, and of the will, these laws are applied in examining the phaenomena of interest, emulation, pride, vanity, probity, and moral approbation. The subject of the third part is the knowledge of God. It treats of his being and attributes, and of a future state. In the fourth part, moral laws, and their most general applications, are considered. The fifth treats of jurisprudence; the sixth, of casuistry; the seventh and last, of politicks, under which the chief subjects of consideration are publick oeconomy, and political law.

DUGALD STEWART, M. A. PROFESSOR OF MATHEMATICKS,

Gives three mathematical courses every season, to different classes of students. In one of these are taught the first six books of Euclid's Elements, the principal propositions of the eleventh and twelfth; and the elements of plain Trigonometry, and of practical Geometry.

In

In another course, the elements of algebra, of spherical trigonometry, of conick sections, and of fluxions, are inculcated. In the third course, lectures are given on opticks and astronomy.

JOHN ROBISON, M. A. PROFESSOR OF NATURAL PHILOSOPHY.

This gentleman's reputation in the science which he is appointed to teach, procured him the establishment of professor of natural philosophy in the marine academy at Cronstadt, whence he was invited to teach the same branch in the University of Edinburgh.

Mr Robison confines his lectures to what may be called Mechanical Philosophy, considering those appearances only which are exhibited in the *sensible* motions, and actions of the *sensible* masses of matter. The appearances in astronomy, vulgar mechanicks, hydrostaticks, pneumaticks, magnetism, electricity, and opticks, exhaust it. In this course, Mr Robison assumes the mathematical propositions as demonstrated, and contents himself with such a popular explanation of them, as will enable his hearers to see at least the probability of the doctrines; and he illustrates them by a course of experiments, properly adapted. This he is able to render very ample, by the addition of about L. 400 worth of instruments, lately made by the town-council of Edinburgh, to his apparatus, which is now the most compleat of its kind in the kingdom. In this course of lectures, the Professor pays very particular attention to the application of this science to the arts of life, with a view to the instruction of engineers and artizans.

Having compleated the regular course, he gives, by way of supplement, an account of the attempts which have been made to explain, by analogy, with the laws of mechanism, the internal constitution of bodies, with respect to solidity, fluidity, elasticity, &c. deducing from the best established principles the maxims which should be followed by the engineer. In like manner, he gives an account

of the attempts toward a mechanical explanation of the appearances in chemical mixtures, and in the vegetable and animal oeconomy.

For the benefit of those who wish to acquire a knowledge of natural philosophy, which they may apply with confidence to the arts of life, Mr Robison gives another course of lectures. In this, the leading mathematical propositions, assumed in the popular lectures, are discussed with great accuracy; and his hearers are enabled to peruse, with advantage, the writings of those eminent mechanical philosophers who, since the time of Newton, have been daily enriching the science with new discoveries.

* * * * *

The University of Edinburgh is not inattentive in the mode * of conferring degrees, those passports of learning, which in former times, were so highly esteemed. The degrees she bestows are those of Doctor of Divinity, or of Law; Master of Arts, or Doctor of Medicine. Of these, the first two are honorary, and are generally conferred on men of known learning and abilities, who apply for any of them. The two last are not conferred till the candidates have undergone a strict examination, publick and private.

The Faculty of Arts had, for many years, neglected their regular meetings; their degrees, consequently, were granted as a matter of form, and hence fell necessarily into disrespect. Of late, however, the faculty have formed the best regulations for reviving the credit of their degrees, and rendering them a test of academical merit.

It is necessary that the candidate, for this honour, be a student in the university; if a native, of three, if a foreigner, of two years standing. He must undergo, first, a private examination before the Dean and Faculty of Arts, on the branches of literature and philosophy

* The wretchedness of the buildings in the College of Edinburgh, their insufficiency for the purposes to which they are applied, and a mode of remedying these defects, have already been mentioned, B. 2. c. 4.

fophy taught by them. He must afterwards recite and defend before the *Senatus Academicus*, a thesis upon any of the subjects taught by the faculty. This degree is sometimes conferred upon strangers. In this case it must be certified to the faculty, that the candidate has attended some university at least two years, and that he is a person distinguished by a literary character.

The medical degree of this university is not bestowed of course on those who, for a certain time, have attended the colleges; but is only given to those who, upon strict and impartial trial, appear to have made sufficient progress in the study of medicine. None can be admitted to trial, unless they have employed three years in the study of medicine, in this, or some other university where that science is regularly taught, and one of these years must have been spent at that of Edinburgh: Nor can they be received, unless they have applied to the study of every branch of medicine, under their respective professors, viz. those of anatomy, botany, chymistry, *materia medica*, theory and practice of physick, and the clinical lectures.

The first trial undergone by the candidate, for a degree in medicine, is only known to the medical professors, and the candidate himself. It is kept secret, that the student may suffer no injury in character or fortune, if it should be found necessary to remit him to his studies. On this account, the first examination is held in the house of one of the professors, at a private meeting of the faculty of medicine. All the others are in the college.

The private examination, and the first examination in the college, are on general subjects in medicine. If the student acquits himself to the satisfaction of the professors, they give him an aphorism of Hippocrates, and a question on some branch of medicine, to be by him commented upon in writing, and explained. He is again examined on these subjects; and, if approven of, receives two histories of patients cases, on which he has to give a written opinion, explaining the nature of the diseases, and the mode of cure. On these
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also, he is examined by the professors who stated them, and then obtains permission to publish his thesis, on which he is publicly examined by the medical professors. He then, by authority of the university, is promoted to the degree of Doctor of Medicine.

It is proper that we take notice of certain institutions connected with the university, and founded for the advancement of science. These are, the College Library, the Observatory, and the Botanical Garden.

OF THE COLLEGE LIBRARY.

The college library is an earlier institution, by one year, than the university itself. It was founded by Mr Clement Little advocate, A. D. 1580, and by him bequeathed to the town-council for the use of the citizens. The council ordered a house to be built for it in the* neighbourhood of St Giles's church, where it was kept under the care of the eldest minister of Edinburgh; but, upon the erection of the College, it was removed thither. It has since been improved by several donations, but the collection is more numerous than valuable. Besides that, by the statute for the encouragement of authors, a copy of every book entered in Stationers-hall, must be given to this library, the only funds which it has for improvement of the collection, are the money paid by all the students at the university, (those of divinity excepted), upon their being matriculated; and a sum of L. 5 given by each professor at his admission. The dues of matriculation are half a crown; but individuals, at their pleasure, pay from that to a guinea. What sum arises thence annually to the library, we have not been informed.

The books are lent out to the students, upon their consigning the value in the hands of the librarian. In the library are hung many pictures of the reformers, the most wretched portraits we ever saw.

OF

* Council reg. v. 6. p. 66. 81. 82.

OF THE OBSERVATORY.

The design of an observatory, for making astronomical observations, has been long formed in the city of Edinburgh; and, by a succession of unfortunate accidents, has not hitherto been carried into compleat execution. The scheme for one had been almost fixed in the year 1736, when the distress in which the city was involved, in consequence of the Porteous mob, called the attention of the magistrates to matters more deeply interesting. Some years afterwards, the Earl of Morton, Lord Register of Scotland, gave L. 100 towards the building of an Observatory; and he appointed the celebrated Mr Maclaurin professor of mathematicks, with the Principal and certain professors of the university, trustees for managing this sum, and carrying the work into execution. Mr Maclaurin, intent upon accomplishing the design, read a course of lectures on experimental philosophy, the money arising from which he appropriated for that purpose. These sums amounting to about L. 300, a draught of an observatory was made out; application was made by Mr Maclaurin to the magistrates, and a grant obtained of part of the south-row of buildings, in the upper court of the College, which were to be pulled down, and the Observatory erected on their site; but Mr Maclaurin dying, the design was laid aside.

The money which had been collected for that purpose, was put in the hands of two persons, both of whom unfortunately became bankrupt. However, a considerable dividend was obtained out of their effects, in so much that, for principal and interest, a sum was recovered, about two years ago, of nearly L. 400.

In the year 1776, Mr Short, brother and executor to Mr James Short, the celebrated optician, and F. R. S. came to Edinburgh, and brought along with him all his brother's optical instruments and apparatus, particularly his large reflecting telescope. Mr Short intended to erect an observatory, which was to be his private property, and he

was

was to draw the emoluments arising from visitors who came to indulge their curiosity, or make their observations. Dr Alexander Monro, professor of anatomy, one of the trustees pointed out in the Earl of Morton's destination, conceiving that an observatory, erected on this footing, unconnected with the town-council and university, would be little conducive to the purposes of science, and would be difficult of access to the students at the university, sent for Mr Short, and proposed to give him the funds in their disposal, for the purpose of building an observatory; and to allow him to draw the whole emoluments arising from the use of his apparatus, for a certain series of years: But on condition, that the students should, in the mean time, have access to the observatory for a small gratuity; and that the building, with all the instruments, should be vested in the town-council for ever, as trustees for the publick, and become their absolute property, after the lapse of a certain period. Mr Short readily agreed, and the town-council were applied to for their concurrence and patronage.

Upon this application, the council granted to Mr Short, his sons, and grandsons alienably*, a life-rent-lease of half an acre of ground on the Calton-hill, upon the conditions, and for the purposes already specified; and, for the more effectually carrying it into execution, they, at the same time, set on foot a subscription for defraying the expence.

A plan of the intended building was made out by Mr Craig architect, and the foundation-stone was laid by James Stodart, Esq; then Lord Provost of Edinburgh, accompanied by the magistrates, and the Principal, and professors of the university, on the 25th of July 1776. About this time, Mr Robert Adam architect, happened to come to Edinburgh. Upon seeing the intended observatory, founded upon the top of an high and abrupt hill, which terminates in a precipice, he conceived the idea of giving the whole the appearance of a fortification, to which it was excellently adapted. Accordingly

* Council reg. May 22. July 10. 1776.

ly the line was chalked out for inclosing the limits of the observatory, with a wall constructed with buttresses and embrasures, and having Gothick towers at the angles. The beauty of the design was so much admired, that the main object was forgot. The workmen left the observatory, already half built, and turned themselves to raise the tower on the south-west brow of the hill. This was greatly promoted by Mr Short, who, in the tower, saw an excellent accommodation for himself and family. Upon this building was exhausted all the money destined for the observatory; and besides, a considerable arrear was incurred to the tradesmen. To discharge this, the Duke of Hamilton having gained, at Leith races, in July 1777, his Majesty's purse of a hundred guineas, generously bestowed it for that purpose. Still, however, this sum of a hundred guineas was only applied to discharge arrears already incurred; the building was not advanced an inch. The magistrates have not hitherto given a farthing towards compleating a work, which was not only to be of benefit to the university, but the means of securing a property vested in them as trustees for the publick. They have not subscribed themselves, nor of late encouraged the subscription in others; notwithstanding the professor of natural philosophy has generously offered to read a course of lectures on experimental philosophy, and to apply the profits of the class towards finishing the observatory. Thus an optical instrument, perhaps the finest in the world, is lost for want of a proper place to keep it in; and the observatory stands a half-finished work upon the highest hill of Edinburgh, speaking this emphatick language to the eye of every beholder: 'Here is a building, which the folly of its contrivers led them to begin, without considering, that, by their poverty, they were unable to finish it.'

OF THE BOTANICAL GARDEN.

The botanical garden is generally visited by strangers, and considered as one of the ornaments of the city of Edinburgh. The flower

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garden

garden belonging to the palace of Holyrood-house, and the small inclosure immediately to the east of the new bridge, were formerly used as botanick gardens : But these, from soil, situation, and other circumstances, being 'unfit for the purpose, Professor Hope represented to the Lords of the Treasury, that it would be much for the interest of the country in general, and of the city of Edinburgh in particular, that a garden of proper extent and soil should be made. His Majesty thereupon was graciously pleased to grant the sum of L. 1330 : 1 : 2 $\frac{1}{2}$ for making it, and for its annual support the sum of L. 69 : 3 : 0. At the same time, the magistrates and town-council of Edinburgh granted the sum of L. 25 annually, for paying the rent of the ground.

These funds, for the support of the garden, being found insufficient, and some improvements being necessary, application was lately made to the Lords of the Treasury ; and thereupon his Majesty was pleased to grant a sum of money for making the requisite improvements, and an addition of L. 50 annually for defraying the expence.

The Botanick Garden, consisting of five acres English measure, is situated on the west side of the foot-walk to Leith. The soil, in general, is light, either sandy or gravelly. In the centre of the garden, a spring of water is formed into a basin. Although it is not above twelve years since it was applied to botanical purposes, it is now richly stocked ; and the trees are so far advanced, as to afford good shelter to the small and tender plants*.

In the east division of the garden, there is a large area, called the School of Botany, where the plants are systematically arranged. On each side of this area are placed the officinal plants, shrubs, and trees, according to their sizes. This division contains about 2000 species of plants.

The

* This rapid progress of the garden, was much owing to the skill and diligence of John Williamson the principal gardener. Some willow trees, from small cuttings, planted eleven years ago, are 32 feet high, and at one foot above the surface, measure 33 inches in circumference.

The west division of the garden, of which the conservatories and basin of water, form the centre, is planted in an agreeably irregular manner, where the chief study has been to protect the tender plants, by a proper arrangement of hardy trees; and so to place those, that at least one of every species may be seen, in the course of the serpentine walk around this division, which is called the *Sylva Botanica*, and contains a great number of plants.

The conservatories, form a front of 140 feet, and consist of a greenhouse in the centre, and a hot-house at each end, connected with the greenhouse, by a room of passage; yet they are already insufficient to contain the collection of exotick plants received from all quarters.

Of these, the following, among others, merit attention:

Alstroemeria.

Colinfonia Didyma, unknown to Linnaeus.

Illicium anisatum, a most beautiful aromatick evergreen from Florida.

Musa sapientum, the Banana, which last year produced ripe fruit.

The tea-tree, which was in full flower last summer, and a number of Abyssinian plants, the seeds of which Mr Bruce of Kinnaird gave to the professor. Among these is the plant which cured him of the dysentery.

The Caira, from the East-Indies, a species of Mimosa, unknown to Linnaeus and the European gardens. The extract from the wood of this plant, is the terra japonica of the shops; an account of the preparation of which, was sent along with the seed by Mr James Ker surgeon at Dacca, Bengal.

And lastly, *the Moving Plant*, the seeds of which were also sent by Mr Ker, with the following account of this wonderful vegetable:

‘ It is there called *Burru Chundalli*. It grows about four feet high, and in autumn produces bunches of yellow flowers, resembling the French honey-suckle. The root is annual or biennial. Like many of the pea tribe, it is trifolious; the lateral leaves are

‘ smaller than those at the end ; and all day long are in constant motion, without any external impulse. They move up or down, and circularly ; this last motion is performed by the twisting of their foot stalks. While one leaf is rising, its associate is generally descending. The motion downwards is quicker, and more irregular than the motion upwards, which is steady and uniform. These motions are observable for 24 hours, in a branch that is lopped off from the shrub, if it has been kept in water. If from any obstacle the motion is retarded, upon the removal of that obstacle, the motion is resumed with a greater degree * of velocity.’

In A. D. 1778, a monument was erected in this garden, in memory of Linnaeus. It is a vase supported on a pedestal, with this inscription : ‘ Linnaeo posuit Jo. Hope.’

We cannot omit adding, that, in a small inclosure behind the garden, the professor has a plantation of the true rhubarb, consisting of three thousand plants, most of which are now six or seven years old.

OF THE HIGH SCHOOL.

The earliest traces we have been able to discover, of a public grammar-school countenanced by authority of the magistrates, are in A. D. 1519. To encourage † that institution, which had then been subsisting, the town-council ordered the inhabitants to put their children to the High Grammar-school, prohibiting them from putting the boys under their charge to private schools within the town, to learn any thing save the primer, and certain other books then given to children, beginning to be instructed in reading.

The town-council being disappointed by the instances of the Bishops, Chancellors of the three universities, in their first application for authority to erect a college, set themselves about ‡ building a new

* The *Burrun Chundalli* has grown luxuriantly in a hot-bed in the Botanick Garden ; and, when the weather favoured, was regular in its motions, as described above.

† Council reg. v. i. p. 11.

‡ Ibid. v. p. 96.

new school-house. The spot chosen for this purpose, was a part of the lands bestowed upon them by Queen Mary, which had formerly belonged to the monastery of Black Friars. A contract was entered into with a mason, for erecting the building, for which he was allowed L. 260 Scots, which, considering the difference of weight in the nominal pounds, and in the quantity of alloy mixed with the bullion, was about L. 40 of our present Sterling money. At that time there appears to have been two teachers belonging to this school. They had a trifling salary, the extent of which we cannot ascertain; and they were obliged to teach the sons of freemen of the borough *gratis*. The encouragement they received was so small, that the masters threatened to leave the school, if it was not bettered; upon which they were appointed to receive a quarterly fee from the sons of the freemen; the master of three, the usher * of two shillings Scots from each: And all were prohibited from teaching schools, without licence from the magistrates.

Soon after, four teachers were appointed, with † fixed salaries and fees, which have been occasionally augmented, with the dearth of living. The present establishment consists of a rector and four masters; of whom the rector has a salary of L. 33 : 6 : 8, the other four of L. 20 Sterling. The stated fees are, to the rector and masters, from every boy in his own respective class, five shillings quarterly, and to the rector, from all the boys at school, who are not at his own class, one shilling each, and to the janitor sixpence each; but the fees commonly paid are higher, generally half a guinea a quarter. This is esteemed an excellent school for instruction in the Latin tongue. The parents and tutors of the boys have admission at any time, to hear and observe the progress of the respective objects of their concern; and annually there is a public examination in presence of many people of distinction and learning. At this exhibition, the boys, (we are told), really acquit themselves well, according

* Nearly 6 s. and nearly 4 s. Sterling. The dues paid by the children of persons not free of the borough, are not mentioned.

† Coun. reg. p. 193. 194.

cording to the time which they have studied ; not like parrots prattling a lesson, inculcated for the purpose, but ready *ad aperturam libri*, to explain such books as they have read ; and that they are well founded in the parts of speech and constructions. The number of boys attending this school is about 400.

The same building which was destined for the accommodation of the scholars A. D. 1578, notwithstanding the great increase of their number, and the total change in the manners of living, has continued applied to the same purpose these two hundred years. As, however, the boys are very much crowded, and the rooms are in most respects inconvenient, the town-council, last year, began to build a new * school-house, immediately east from the old one. For this purpose, they solicited the aid of public subscription, which was liberally granted.

The total length of this building is 120 feet from south to north ; the breadth at the middle, (exclusive of the stair cases,) is 36 feet, at each end 38 ; all over walls. The great hall, where the boys meet for prayers, is 68 feet by 30. At each end of the hall, there is a room of 32 feet by 20, intended for libraries. The height of this story is 18 feet. From the great hall, there are ascents to the second floor by three different stair-cases, each 15 feet by 14 over wall. This floor is disposed into five apartments, for the five classes, besides some small rooms for the convenience of the masters. Their dimensions are ; of the rector's class, in the centre, 31 feet by 25 ; of the class on each side, adjoining to the rector's, 31 by 21 ; of those at the two ends of the building, 33 by 20 feet 6 inches. The height of this floor is 17 feet. The apartments will be fit for being occupied next year. The expence of the whole is estimated at L. 3000. In the history of this school there happened a singular event. In the year

* The foundation of this building was laid by Sir William Forbes, Grand Master of the Free Masons, 24th of June 1777. Previous to it, there was a procession of the different Mason-lodges in the city, of the Lord Provost and Magistrates, the Principal and Professors of the University, and of the boys themselves, dressed in their gayest attire. The whole witnessed by an infinite concourse of spectators.

year 1595, the boys becoming tumultuous, shut the gates of the school against their teachers. Application was made to the magistrates, for their assistance; and one of the bailies, endeavouring to appease the tumult, was shot through the head with a pistol, by a scholar of the name of Sinclair. The powerful interest of the murderer, perhaps joined to some favourable circumstances* now forgotten, obtained for him a royal pardon.

OF THE ACADEMY FOR DRAWING.

The Board of Trustees for the encouragement of manufactures, &c. in Scotland, in A. D. 1772 appointed Mr Alexander Runciman painter, to teach twenty boys or girls drawing, allowing him a yearly salary of L. 120. For the accommodation of this school, the town-council have given Mr Runciman the use of two apartments in the College. The Board bestows L. 15 yearly, to be distributed among the scholars by way of premium, for the first, second, and third best drawings. The time limited for each pupil's continuing under Mr Runciman, is four years, that being deemed sufficient for any boys or girls, of moderate capacity, acquiring a knowledge in drawing sufficient to assist them in their respective occupations; this institution being solely appropriated for the use of manufactures, not intended as an academy of painting.

OF THE ROYAL ACADEMY, OR RIDING SCHOOL.

As Edinburgh afforded a very general feminary of education, the nobility and gentry displayed a laudible solicitude to render it complete, by instituting a Riding School. The advantages accruing from this branch of education are so various, that we must express equal applause to the promoters of the institution, and surprise at its not being more generally attended. To ride well, besides being a graceful

* Council reg. v. 10. p. 42.

ful accomplishment of the person, contributes to ease and security, in an exercise the most conducive to health; an exercise which, in many cases, affords the only mode of travelling; which bestows the pleasures of the chase without fear or danger; and which enables one to serve his country in the field of battle. We wonder, therefore, how a young gentleman's education can be deemed complete, if he is not taught to ride well: And we must impute the neglect of this branch of education either to a base effeminacy, which considers riding as an useless toil; or to a species of that same barbarism which formerly displayed itself in such contempt of science, that, at a hundred years after the establishment of universities, it was found necessary to compel * gentlemen, by publick statute, to put their eldest sons, and heirs, to school.

The riding school was built by subscription. The sum raised during the first three years amounted to two thousand seven hundred and thirty-three pounds fifteen shillings. The town-council of Edinburgh gave the subscribers a piece of ground sufficient to answer their purpose. The school was opened in the year 1764; and, in 1766, the royal patron of liberal arts issued letters patent under the great seal, erecting the present and future subscribers into a body-corporate, entitled, THE ROYAL ACADEMY FOR TEACHING EXERCISES. And granted warrant for paying a salary of two hundred a year to the teacher of this academy.

The riding school is a hundred and twenty feet long, by forty broad. It is accommodated with stables large enough not only for the horses necessary to the academy, but also for livery horses, which are properly taken care of, and broke for the saddle. And there is an area without the building, sufficient for an open manage. It is doing but justice to the master of the academy, to observe, that his abilities, which indeed had already procured him an honourable appointment at the court of Russia, fully correspond with the purpose of the institution; and that he deserves publick encouragement, not
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* James IV. parl. 5. c. 54.

more from his skill as a teacher, than his manners as a gentleman. His scholars exhibit undoubted specimens of their progress to the numerous spectators who witness his annual carousals. And, as an incitement to emulation, a gold medal, given by the city of Edinburgh, is, on these occasions, presented by the Lord Provost to the victor.

OF THE ACADEMY FOR THE DEAF AND DUMB.

Besides the schools and colleges of publick institution, a school of instruction of the most curious and important nature is taught by Mr Braidwood: For, it may be said, in effect, to give the deaf to hear, the dumb to speak.

Mr Braidwood first attempted this art about the year 1764. He began with a single pupil. He now has a number of pupils, mostly from England; but some also from America; and his success in teaching them has exceeded his own expectations. He begins with learning the deaf articulation *, or the use of their vocal organs; and, at the same time, teaches them to write the characters, and compose words of them. He next shows them the use of words in expressing visible objects, and their qualities. After this, he proceeds to instruct them in the proper arrangement of words, or grammatical construction of language.

The deaf (Mr Braidwood observes) find great difficulty in attaining pronunciation, but still more in acquiring a proper knowledge of written language. Their only method of conversing is by signs and gestures. Their ideas are few, being entirely confined to visible objects, and to the passions or senses; the former of which they delineate by figures, the latter, by gestures. The connection between our ideas and written language being purely arbitrary, it is a very

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* A treatise on this subject was written A. D. 1692, entitled 'Surdus loquens, seu methodus qua qui surdus natus est loqui discere possit. Studia et industria Joh. Conradi Amman. Med. Doct. Scaffusa-Helvet. Amstelædami apud Henricum Westenium M,DC,XCII.'

hard task to give the deaf any notion of that mode of conversing, theirs being only hieroglyphical. Another, and still a greater difficulty, is to enable them to comprehend the meaning of the figurative part of language. For instance, they soon understand *high*, *low*, *hard*, *tender*, *clear*, *cloudy*, &c. when applied to matter, but have not the smallest conception of these qualities when applied to mind. Notwithstanding these difficulties, the deaf attain a perfect knowledge of written language, and become capable both of speaking and writing their sentiments in the most distinct manner, and of understanding fully what they read. Being thus advanced, they are capable to learn any art or science, (musick excepted), and to translate one language into another. Mr Braidwood's pupils are under his tuition from three to six years, according to their age, capacity, and conveniency.

When we visited this academy, we found, that the boys not only could converse by the help of the artificial alphabet they learned, by putting the fingers into certain positions, but that they understood us, although perfect strangers to them, by the motion of our lips. In this manner, they actually conversed with us, returning an answer to us distinctly, yet slowly, *viva voce*. It is needless to expatiate upon the encouragement due to the author of a mode of instruction so ingenious, as well as important to an unfortunate part of mankind. We cannot conclude, without expressing our hopes, that this valuable art does not depend upon the precarious tenure of a single life; but that Mr Braidwood has communicated so much of his method, as to enable some one to give similar instruction.

OF LITERARY SOCIETIES.

OF THE SOCIETY FOR PROPAGATING CHRISTIAN KNOWLEDGE.

From the nature, as well as the management of this institution, there are many objections to the propriety of classing it among literary

rary societies. As, however, the original propofals, fet forth in its constitution, promife advantageous purpofes to certain parts of the community, and as it has been constituted into a body-corporate by royal charter, it is our duty to take notice of it in a history of Edinburgh.

This fociety feems to have been indebted for its institution to a zealous averfion from popery, an antipathy which is ftill the characteriftick of the generality of its members, and which is again burfting forth with the fury of a contagion. In the year 1701, the design was framed of constituting a fociety, and of raifing fubfcriptions for planting fchools in the Highlands, for inftructing children in reading * and writing, and in the principles of our religion ; for rooting out the errors of popery ; nay, for *converting of foreign and Pagan nations*. This fociety was erected into a body-corporate by Queen Anne, with powers to them to receive fubfcriptions, and to hold lands, &c. not exceeding the yearly value of L. 2000 ; and thefe for the propagating of Chriftian knowledge, and erecting and maintaining of fchools. The Society enlarged their plan, propofing to inftruct children in trades and manufactures ; for which purpofe they applied for, and obtained a charter from his late Majefty. They ftill continue to have fchools in the Highlands for the inftruction of children.

OF THE PHILOSOPHICAL SOCIETY.

When the Royal Infirmary was instituted, it was expected, that many cafes might occur, of the patients received into that hofpital, of which the history might furnifh materials for medical effays. To compofe and publifh fuch effays from time to time, a fociety, confifting of the profefors of medicine, and other gentlemen of that faculty, was formed A. D. 1731. This fociety publifhed their firft volume of *Medical effays* A. D. 1732. They afterwards publifhed

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* Maitland's history, from p. 471. to p. 480.

five more. These volumes have undergone five editions, and been translated into the French, Dutch, and German languages. Such, indeed, is their merit, that Doctor Haller, an excellent judge, has observed, that no physician can well be without them.

After the first year of this institution, the members grew remiss in their attendance upon its meetings, and in the discharge of their duty ; so that the care and trouble of compiling the medical essays fell almost entirely upon the late Doctor Monro.

The Medical Society was succeeded by the Philosophical, on the more extensive plan of including the different branches of natural knowledge, and of the antiquities of Scotland. The rebellion, however, which broke out in A. D. 1745, and the death of Professor Maclaurin, one of its most eminent members, soon interrupted the meetings. The Society, however, was revived about the year 1752 ; and, in the 1754, they published a volume of *Essays Physical and Literary*, which has met with a favourable reception, as have the two subsequent volumes published by them.

This society still continues to meet occasionally ; so that additional volumes on the same plan may be expected.

OF THE MEDICAL SOCIETY.

The societies instituted by young gentlemen for the improvement of public speaking, and of some particular branches of science, deserve notice, as schools of education. Even the voluntary institution itself, of societies for promoting such beneficial purposes, breathes forth a laudable spirit ; and we may aver, without flattery, that the effects resulting from these institutions have fully corresponded to the intentions with which they were founded.

The Medical Society appears to have been coeval with * the institution of a regular school of medicine in the University, by the establish-

* This Society was entirely distinct from that already taken notice of, as instituted for the purpose of publishing medical essays.

establishment of professors in the different branches of that science. Doctor Cullen, Doctor Fothergill, and others of the most eminent physicians in Britain, were among the first of its members. None of its records, however, of an earlier date than A. D. 1737, are now preserved. Since that time, the greater part of the medical students at the University, who have distinguished themselves by their ingenuity or diligence, have been members of this society; nor is any one admitted into it till he has been of some standing in the study of physick. But, their being erected into a body-corporate, was, by charter from his present Majesty, of so recent a date as 14th December 1778.

This society is intended as a branch of medical education, and a source of farther discoveries and improvements in that science, and those branches of philosophy most intimately connected with it. The members, at their weekly meeting, read, in rotation, discourses on medical subjects, which, at least six months previous to their delivery, had been assigned to them by the Society, either at their own request, or by lot. And, before any discourse be publicly read, it is communicated in writing to every member, three of whom are particularly appointed to impugn, if necessary, its doctrines. From these circumstances, the author of every discourse is induced to bestow the utmost pains in rendering it as compleat as possible; and the other members have an opportunity of coming prepared to point out every other view in which the subject can be considered. Thus, emulation and industry are excited, genius is called forth, and the judgment exercised and improved. By these means, much information is obtained respecting facts and doctrines already published; new opinions are often suggested, and farther inquiries pointed out. And it is acknowledged by all who are acquainted with the University of Edinburgh, that the Medical Society has contributed much to the prosperity and reputation of this school of physick.

If this institution has formerly been productive of advantages, still greater benefit may now be expected from it; for, by subscriptions

tions from the members, and some other gentlemen desirous of encouraging so useful an institution, they are now accommodated with a building that will enable them to prosecute inquiries which they could not formerly pursue. This building is erected in the neighbourhood of Surgeons-hall, on an area bestowed on them by the incorporation of surgeons. Besides small apartments, it contains three rooms of thirty feet by twenty each. One of these serves as a hall for their weekly meetings, another as a repository for their valuable collection of medical books, of natural curiosities, and anatomical preparations; and the third is to be fitted up for chemical experiments, when the society's funds, or farther contributions, enable them to defray the expence. When the different apartments are furnished with a proper apparatus, the students at this university will enjoy advantages which are not to be obtained at any other seminary of medical education.

The building has a plain handsome front; and the roof terminates in a cupola, intended for an observatory, and adorned with the ensigns of the Æsculapian art.

OF THE SPECULATIVE SOCIETY.

The speculative society was instituted for improvement * in public speaking, and in science in general, without having peculiar reference to any of its branches. The members meet weekly during the sitting of the College, in a hall built by themselves †, on a spot of ground on the south side of the College area, granted them for the special purpose, by the town-council of Edinburgh, at the recommendation of the Principal of the University. The gentlemen discourse in rotation upon any literary subject they incline; and these performances undergo a very free criticism. The rest of the evening's entertainment consists of a debate upon a subject previously appointed, which is opened by one of the members in rotation, and discussed by the society at large.

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* A. D. 1764.

† A. D. 1769.

Far from a promiscuous admission into this society, it is restricted to a very limited number ; and such has been its reputation, that the number of candidates for supplying vacancies, has afforded the society an opportunity to select those who are distinguished for capacity, industry, and decorum. It consists of gentlemen who follow respectively all the liberal professions ; but the greatest number belongs to the law* : And it has already furnished several professors to the universities of St Andrews and Edinburgh.

CHAPTER

* When the city of Edinburgh was this year raising a regiment in support of government, this society gave a hundred guineas towards that purpose.

CHAPTER IV.

OF the Art of Printing, and of Periodical Publications—Literary Property—Liberty of the Press—Medical and Philosophical Commentaries—Scots Magazine—Weekly Magazine—Edinburgh Courant—Caledonian Mercury—Edinburgh Advertiser.

WE have already had occasion to remark the introduction of the art of printing * into Scotland; that, in its infancy, the art was by no means profitable to those who carried it on; and that the press was ever the object of the jealousy and oppression of the reigning party. The art of printing appears to have been introduced into Scotland, A. D. 1509. A breviary printed in that year, composed by the Bishop of Aberdeen, for the use of his cathedral, is preserved in the Advocates Library. It consists of two volumes. The title page of the first, and some leaves at the end, are wanting. The second volume, which was printed A. D. 1510, has, at the beginning, a calendar, and at the end these words: '*Opido Edinburgensi impresso jussu et impensis honorabilis viri Walteri Chepman ejusdem opidi Mercatoris quarto die Junii millesimo cccc decimo.*' On the outside of this leaf is a wooden engraving, representing a man and woman, their under parts clothed with skins of beasts, their shoulders bare, their heads adorned with wreaths of flowers. They are standing one on each side of a tree; on the tree hangs a shield, on which is engraved the cypher of W. C.

But the name of no † Scots ‡ printer is preserved earlier than A. D. 1541. In that year some new acts of parliament were printed by Thomas Davidson, King's printer. This book, which is also preserved in the Advocates Library, is as beautifully executed as any

* Book i. c. 2. † Ames p. 573. 576. ‡ A copy of Boetii Historia Scotorum was printed at Edinburgh, A. D. 1526, by *Jedocus Badius Ascensius*, a foreigner.

any to be seen at this day, especially when we consider that it is printed on vellum. As a frontispiece, it has the arms of Scotland engraved; and at the end, a picture of Christ on the cross, surrounded by a multitude of figures. On that same year, a translation of Boetius, was printed on paper by Davidson. Some time afterwards, the acts of parliament, from the reign of James I. downwards, were printed by Robert Lekprivik, the King's printer, by whom a number of books were published, and who had printing presses at Edinburgh, St Andrews, and Stirling. A folio Bible was printed at Edinburgh, by Thomas Bassandyne, A. D. 1576, *Buchanani historia*, by Alexander Arbuthnet, King's printer, 1582, and a folio Bible by Andrew Hart 1610*. These books were as fairly and correctly printed, as those published at the time in any part of Europe. The last, in particular, was so much esteemed, that many subsequent impressions of the Bible bore upon the title page, '*conform to the edition printed by Andrew Hart.*'

Besides the printers already mentioned, Nefield, Waldgrave, Raban, Bryson, and Young, are counted among the early supporters of the Scottish press. The last of these was printer to King Charles I. He published a book of common prayer in folio, at Edinburgh, A. D. 1637, far superior to those executed in England at the same period. The merit of this performance was its author's ruin; he was compelled by the covenanters to fly the kingdom.

After the commencement of the civil wars, in the reign of Charles I. the art of printing fell into decay. Evan Tyler, who then held the office of King's printer jointly with Young, who was obliged to fly for executing an edition of the prayer-book, deserted his master's interest, and became printer to Cromwell. He, in his turn, was obliged to fly, a sentence of forfeiture having passed against him at Scoon, when Charles II. was in Scotland A. D. 1650; but Cromwell prevailing, Tyler assigned his patent to some stationers at London, who sent down Christopher Higgins, with some English journeymen. These carried on the business at Leith. It chiefly consisted in reprinting

* Watson's history of printing, pref. p. 8. 9. 10.

news papers first published at London, and in printing some small books, and these too very badly. Higgins dying, the London stationers appointed Patrick Ramsay, a Scotsman, overseer of the work; but the business not turning out to good account, the proprietors of the printing-house sold it to several booksellers, who divided and set up distinct offices, where they printed school-books and treatises on divinity in a very clumsy manner.

After this, Archibald Hyslop, a bookseller, set up a printing office, jointly with William Carron a printer and excellent workman. They brought new materials from Holland, and printed Thomas a Kempis, and some other little books, very neatly. While the art seemed thus to revive, it received an almost mortal blow, through the tyrannical administration of Charles II. an administration, whose attention seems to have been divided between exalting the royal prerogative, and gratifying their own rapacity; but seldom applied to a consideration of the welfare of the people.

Andrew Anderson, formerly a printer in Glasgow, having set up in Edinburgh, prevailed on the other printers in the city to apply for a patent to be taken out in the name of Anderson, by which they were to be jointly vested with the office of King's printer. They succeeded in their application, and obtained so broad a patent, *that no one in the kingdom durst print any book, from a Bible to a ballad, without licence from Anderson.* Soon after the company disagreed, they apprehended themselves to be injured by the acting partners, and they sold their shares in the printing-house and patent to Anderson's widow, (Anderson himself being dead), who thus became possessed of a monopoly of the art of printing over all Scotland. Anderson, and after him, his heirs, being possessed of so precious a gift, made, as was natural, the most of it. On the very first year, he printed a * New Testament, so full of errors, that the privy council prohibited the sale of the incorrect copies, and strictly enjoined the

* Rec. of Privy Council, No. 2. p. 441. 457.

the printers, that the future editions of the scriptures should undergo an accurate revival.

Notwithstanding this injunction, (to use the words of a contemporary writer) ‘ Nothing came from the royal press, but the most illegible and uncorrect Bibles and books, that ever were printed in any one place in the world. She * regarded not the honour of the nation, and never minded the duty lay upon her as the † sovereign’s servant. Prentices, instead of the best workmen, were generally employed in printing the sacred word of God. And, in fine, nothing was studied but gaining of money by printing of Bibles at any rate, which she knew none other durst do, and no body could want them.’ To procure a sale of the trash which she published, it was necessary that a persecution of all the printers should be set on foot, who had ventured to exercise their employment. Accordingly, Sanders of Glasgow, Reid of Edinburgh, and Forbes of Aberdeen, were prosecuted; and, besides the expence of litigation, they had their printing-houses shut up, and were themselves fined and imprisoned.

The destruction of a liberal art, by persecuting tradesmen for carrying on their lawful employment, and the avaritious motives which dictated that oppression, excited an universal murmur. Upon the Duke of York’s coming to Scotland, John Reid, one of the printers whose house had been shut up, complained to his Royal Highness of the oppression which he and his brethren of the trade had undergone through the extensiveness of Anderson’s patent. The matter being moved in the privy council, the Duke declared, that it could only be the King’s pleasure that his printer should enjoy those privileges which his royal predecessors had been in use to grant to their printers; such as printing of Bibles, acts of parliament, &c.; upon which the privy council allowed the printers to carry on their ordinary work. Being thus curtailed in her privileges, Mrs Anderson resolved to prosecute the more rigorously those which remained to

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* Mrs Anderson, the patentee’s widow.

† Watson’s hist. of printing, pref. p. 13.

her. From the printers she turned upon the booksellers, and seized a quantity of Bibles which they had commissioned from London, merely because those of her printing were illegible. The booksellers complained to the privy council, and printed the *errata* of one of Anderson's Bibles, and laid it before them. After long debate, they not only ordered the books to be returned, but, in defiance of Anderson's patent, granted permission to all printers and booksellers to publish Bibles. To this, indeed, a condition almost impossible was annexed, 'That every sheet should be revised by the clerk of privy council;' and it does not appear that ever any Bibles were printed in consequence of this permission.

As the badness of the patentee's workmanship destroyed the sale of her Bibles, so it was likewise the means of depriving her of the liberty of printing the acts of parliament. Sir Thomas Murray of Glendoick, having digested the statutes more carefully than * had been done formerly, obtained liberty from Charles II. to employ, in printing them, those whom he should find most capable to execute so important a work. Sir Thomas having contracted with David Lindsay merchant in Edinburgh, and John Cairns printer, who had now got the printing-house of Hyslop, formerly mentioned, a patent was made out, giving them the sole privilege of printing the acts of parliament for nineteen years. To execute the work, two tradesmen, Joshua Van Solingen, and Jan Colmar, and new materials were brought from Holland. Cairns dying, the Dutchmen acquired the property of the printing-house, and published the folio acts of parliament; a book, which, in its execution, will not suffer, by comparison, with any printed about the same period.

As Mrs Anderson, notwithstanding the check she had received from the privy council, harrassed the Dutchmen in the exercise of their business, Lindsay, who contracted for publishing the statutes, obtained a patent from Charles II. for himself and his partners for printing any book that was not the peculiar privilege of the King's printer :

* Watson's hist. pref. p. 15.

printer : And, in this patent, that of Mrs Anderson is termed a monopoly. Lindsay protected the Dutchmen, by taking them into partnership ; and they, in return, gave him a share of the house.

The Dutchmens affairs falling into disorder, they made over the printing-house to James Watson merchant in Aberdeen, who, in lieu of payment of a sum of money lent by him to Charles II. when in exile, procured for himself the gift of an exclusive privilege of printing almanacks in Scotland, and of the office of printer to his Majesty's household, with a salary of L. 100 a year ; and for his son, a reversionary * grant of the office of King's printer, upon the expiry of Anderson's patent. But, by the father's death, which happened soon afterwards, it was neglected to get the patent to pass the seals.

In A. D. 1695, young Watson, author of the history of printing, set up his employment in Edinburgh as a printer, as some years afterwards did a few others. He also was attacked by the patentee. This woman, although she would not bestow the smallest pains or expence on executing her art, was, at the same time, indefatigable in protecting her patent by the artillery of the law. Notwithstanding the decrees of privy council, giving liberty to printers to follow their employments, she applied to the magistrates of Edinburgh, and prevailed upon them to prohibit him from working ; an interdict which, however, they soon removed. She next, upon false pretences, obtained a warrant from the privy council, shutting up his house. But, upon a full information being given in for Watson, (in which all the printers in Edinburgh concurred), and counsel being heard, the interdict was withdrawn ; and Mrs Anderson found it vain to renew any similar attempts.

Still, however, the art of printing was carried on at Edinburgh upon a very limited scale. Till within these forty years, the printing of news-papers, and of school-books, of the fanatick effusions of presbyterian clergymen, and the law-papers of the Court of Session,

* Watson's hist. pref. p. 16.

sion, joined to the patent Bible-printing, gave a scanty employment to four printing-houses. Such, however, has been the increase of this trade, by the reprinting of English books not protected by the statute concerning literary property, by the additional number of authors, and many lesser causes, that there are now no fewer than twenty-seven printing-offices in Edinburgh. It must be confessed, however, that printing at Edinburgh is not, in general, so well executed as in London; and that it is far inferior to the workmanship of the Messrs Foulis's of Glasgow, which indeed would do honour to the press of any country.

A memorable attempt was lately made by the booksellers of London, to cut off that increase in the employment of printing which was derived to the city of Edinburgh from the republication of English authors. Had they succeeded in their aim, any extensiveness or improvement in the art of printing would, in Scotland, have been finished for ever.

The company of stationers of London had fostered an idea, which they wished to have construed into a law, 'That a perpetual exclusive right to the publication of books was vested in their authors and assignees: Or, if the author was not known, that the right was vested in the person who first published the book to the world, no matter how he came by the manuscript.' This right was termed LITERARY PROPERTY.

Their first attempt to enforce this right in Scotland was in an action before the Court of Session * A. D. 1748, the issue of which was unfavourable for the plaintiffs. About ten years afterwards, a plan was formed in England, of procuring a judgment by a collusive trial, which † might be quoted as a precedent. But the court, sensible of its importance, having referred the matter to the twelve judges of England, it was allowed to drop. The London booksellers afterwards applied for several injunctions of the Court of Chancery,

* Booksellers of London against booksellers of Edinburgh and Glasgow; Falconer's decisions, v. 1. No. 256. † Tonson against Collins.

Chancery, against a Scotsman, who had set up the trade in London, and harrassed him twelve years with vexatious suits, for printing books not protected by the statute of Queen Anne, for the encouragement * of authors. At last, being encouraged by a judgment of the Court of King's † Bench in their favour, they brought an action before the Court of Session, in order to obtain a solemn decree upon the general point of law. This suit was brought by Hinton, a bookseller of London, against Alexander Donaldson, originally of Edinburgh, now of London, for printing *Stackhouse's history of the Bible*, the same person who had been already harrassed by the company of stationers, and a combination of printers and booksellers, and who has had the merit of supporting himself against that numerous and wealthy body, by bringing to a decision a general point of the highest importance.

Whether the doctrine of literary property is supported by the common law of England, or whether it is consistent with the nature of property, or with expediency, or how far the state of the common law of England may be explained or affected by the statute of Queen Anne, we shall not make the subject of our disquisition. But, with respect to the law of Scotland, whether we regard the statutes, the decisions, or the commentators, the idea never once occurs; nor does any writer on the Scots law make mention concerning it, till Bankton, who wrote long after the statute. The Scottish lawyers were divided in their notions respecting printing; but the ideas of all parties were repugnant to literary property; Sir George Mackenzie, and other sticklers for the prerogative, holding that printing was *inter regalia*, and that none could print without license, to which effect, indeed, a public statute was ‡ enacted. But the general opinion was, that printing, like other trades, might be exercised by any one, and of any book, unless where a restraint was imposed by particular patent, or monopoly. This is sufficiently evinced by the patents which appear prefixed to most of the Scots publications

* An. 8. Annæ c. 19.

† Miller against Taylor.

‡ Mary, parl. 5. c. 27.

publications of the last century, (especially those upon law), granting, at the request of the author, an exclusive privilege of printing the respective books for a certain term of years.

By the issue of the cause, Hinton against Donaldson, literary property, or an exclusive right to the publication of books, was declared not to be founded in common law, nor upon any thing but the statute of Queen Anne. This judgment was acquiesced in, in consequence of the decision of the Court of King's Bench in favour of literary property, in the case of *Millar against Taylor*, having been reversed upon appeal.

A bill was, in February 1774, brought into parliament, by the London booksellers, for a further monopoly for fourteen years, in such books as they had, at any time, purchased prior to that date. After a warm opposition, it was passed by the Commons, but was afterwards rejected by the House of Lords. In the next session of parliament, a bill was brought in, which was thought to have been prepared with a view of establishing, indirectly, in time coming, a perpetual monopoly of books. This was entitled, an act, enabling universities to hold, in perpetuity, the copy-right, in books given or bequeathed to them; and it was supposed, that a device might be fallen upon, by giving a book to an university, and by the university's transferring it to a bookseller, for establishing a monopoly in * all books whatever. To prevent this, a clause was inserted, providing, that, if the universities should sell or delegate the right of printing any book, and if the books should be printed any where but at the presses belonging to the universities, and for their sole advantage, then the benefit of this act, with respect to such books, should be forfeited. It is thus a matter of established law, that there is no other monopoly of printing but that granted by the statute of Queen Anne, that bestowed upon the universities, and that possessed by the King's printer, the privileges annexed to which office are by no means accurately defined.

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* An. 15. Geo. 3. c. 53.

The attempts of the King's printer to enforce his monopoly did not expire with Mr Anderson ; of late, however, they have been chiefly directed to restrain from printing of the Bible. In A. D. 1770, Mr Kincaid, King's printer, brought an action against Colin Macfarquhar, for printing a Bible with notes, termed *Ostervald's Bible*. Macfarquhar, in his defences, besides his special defences, impugned the right of the King's printer to a monopoly of printing the Bible in Scotland ; and Mr Kincaid thought it prudent to drop the suit. Since his death, however, his trustees, if they have acted with less prudence, they have at least manifested additional courage. A work, entitled *the Self-interpreting Bible*, printed from *an original manuscript*, had been published in numbers for the space of about fourteen months, without any complaint whatever, at the instance of his Majesty's printer : When, at length, Mr Kincaid's trustees applied summarily to the magistrates of Edinburgh by petition, praying, that the copies of the *Self-interpreting Bible*, published by Gavin Allston printer, might be sequestrated. Without hearing Allston in his defence, or even summoning him, the magistrates instantly granted warrant for sequestrating the copies ; so that the first information which the astonished publisher had of what had been carrying on against him, was a visit from one of the city-clerks, heading a posse of town-officers, come to seize the books. But, upon the publisher's representing to them the extravagance of what they were about to perform, they wisely desisted from putting the warrant in execution ; and the interdict of the magistrates was brought by bill of suspension before the Court of Session, before whom the cause still depends. No other apology can be offered for the magistrates, for so extravagant an exertion of power, than that merchants * are not obliged to be versant in law ; that they continue too short time in office to acquire a knowledge in judicial proceedings ; and that they generally put too implicit confidence in such retainers to the law as are occasionally at their hand.

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* The magistrates must be chosen from among the merchants.

We shall conclude our account of printing in Edinburgh with a short detail of such attacks as have, from time to time, been made upon the LIBERTY OF THE PRESS.

As the contentions between opposite parties in Scotland have not been struggles for liberty, but contests for power, the ruling party has uniformly endeavoured to crush the freedom of the press. The first notice taken of the art of printing in* the Scots law, is a statutory prohibition from printing any books whatever without royal license, under pain of confiscation of moveables, and perpetual banishment. Soon after, the church also assumed a jurisdiction over the press in things † spiritual, prohibiting any books concerning religion from being published, till they had been revised and approved of by the superintendant of the diocese. Upon the restoration, the prohibition was renewed against printing without license ‡ from King, parliament, or privy council; and those who were guilty of seditious publications, or even who had them || in their possession, were punished rigorously. Gazettes, or news-papers, were, in § particular, prohibited from being published, till they had been revised by the Bishop of Edinburgh. In the reign of James VII. several printers and booksellers were imprisoned for publishing books without ** license, and had the copies taken from them. But the real offence was, that these books reflected on the popish religion. At the same time, a popish printer had set up a press at the Abbey, whence he published books in favour of popery without molestation, although expressly contrary to law.

Upon the revolution, the press seems to have gained nothing in point of freedom. The privy council discharged the printing of any books or pamphlets relating to government ††, till they should be revised by the Earl of Cassils, Master ‡‡ of Melvill, and the Lord Advocate.

* Mary, parl. 5. c. 27. † Book of Universal Kirk, MS. p. 19. 90. ‡ Records of privy council, No. 1. p. 55. || See book 1. c. 4. § Fountainhall's decisions, v. 1. p. 73. ** Ibid. p. 482. 496. †† Rec. of privy council, No. 6. January 8. 1690. ‡‡ So the eldest son and heir apparent of a Lord in Scotland used to be styled.

Advocate. Some pamphlets having been published reflecting upon government, the whole printers in Edinburgh were summoned before the privy council, and some of them committed to prison*, from which, in a few days, they were rescued by the mob. But, not long afterwards, a copper-plate engraving appeared, upon which the government thought proper to found a charge of high treason. A description of this print may present a lively idea of the state of liberty which this country enjoyed under *her glorious deliverer*. Caledonia was represented in the figure of a woman, with these words on a label flowing from her mouth: 'Take courage, and act as men that hold their liberty, as well as † their glory, dear.' The figure Caledonia was supported by eighty-four dissentient members of parliament, (*the minority*), distinguished by the following motto, encircled in wreaths of laurel: '*Patriæ Fautoribus*.' Below, an angel spoke in these words: '*Procul, O procul esto profani*,' to a multitude of figures, which he was driving with thunderbolts to hell, (which figures the Lord Advocate said represented the majority in parliament.) And, in the midst of the flames, lay a person whom the fiend that tormented him addressed thus:

'*Vendidit hic auro patriam dominumque potentem*
'*Imposuit.*'

The Lords found the libel not relevant to infer treason, or the pain of death; *but relevant to infer an arbitrary punishment*. Although the fact was clearly proven, the jury, to their honour, acquitted the prisoners.

The next attack ‡ upon the liberty of the press which we have been able to discover, was made by the magistrates of Edinburgh,

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who,

* Edinburgh gazette, No. 135. 139. June 6. and 20. 1700. † Records of justiciary, 14th, 22d April, 24th May 1701.

‡ We do not reckon, in this number, the order of the Scottish parliament 1706, towards vindicating the independency of the nation, for burning, by the hands of the hangman, a book written by one Atwood, asserting the superiority, or *dominium directum*, of the crown of England over the crown of Scotland; Scott's hist. p. 722.

who, indeed, have feldom been backward in exerting their ample jurisdiction in a peremptory manner.

The criminal prosecution against Archibald Stewart, Esq; Lord Provost of Edinburgh, when the city was taken possession of by the rebels, for not holding out the city against them, was generally looked upon as a rigorous measure. A poem, an indiscreet effusion of zeal, composed by some Jacobite upon the occasion of Provost Stewart's acquittal, was published by Robert Drummond printer in Edinburgh. The subject of this piece, which was a mean performance, was the cruelties exercised after the late rebellion, from the field of Culloden, down to the trial of Provost Stewart. Some harsh and scurrilous epithets were expressed, which appear to have been intended for the Duke of Cumberland; and gross reflections were thrown out, which seem to have been designed for certain people in Edinburgh, who were supposed to have been active in pushing the trial against Provost Stewart. But there were several blanks in the poem, as well as hieroglyphicks and initials, which were left to be filled up according to the judgment of the reader. The publisher had already rendered himself obnoxious to the whigs, by the disaffection of his principles, which he was at no pains to conceal; and it appearing that the chief magistrate of the city was calumniated in this publication, was perhaps an additional motive towards the marking out Drummond as an object of vengeance.

A criminal complaint, at the instance of the procurator-fiscal for the city, was presented to * the magistrates, in Nov. 1747, accusing Drummond of publishing a defamatory libel, and craving, that he might be punished conform to his demerit. The complaint was ordered to be served upon Drummond; and the accused was commanded to appear *the very next day, to answer to the charge*. He appeared, in obedience to the citation; and having acknowledged, that the poem libelled was printed in his printing-house; but, at the same time, declared, that he did not know that the blanks, &c. were meant

* Original process in archives of the city of Edinburgh.

meant to be filled up with those names and characters which the magistrates applied to them, he was committed to prison. Thence he was taken, on the sixteenth, and received for sentence, “ That he should be remanded to prison, there to lie till the twenty-fifth, when he was to be taken to the cross between the hours of twelve and one, and there to be detained bare headed, with a label on his breast, expressing his offence, while the poem was burning ; then to be kept in prison till he should find surety for obeying the sentence of the magistrates, banishing* him from the city and liberties for a twelvemonth : And further, depriving him of his freedom, as a burghers of the city, for the same period.” Drummond brought this sentence under review of the Court of Justiciary, setting forth, ‘ That the proceedings against him were so summary, that he was ‘ left no time to prepare † his defences : That, in a case of such importance, as to be thought deserving of pillory, banishment, and ‘ loss of his freedom and business in the borough, a British subject ‘ was entitled to a trial by jury : That the magistrates had filled up ‘ the blanks upon their own conjecture ; but that he was altogether ‘ ignorant how they should be supplied : And that, even if he had ‘ been guilty in every respect, as the magistrates imagined, that the ‘ punishment was unmeasurably severe.’ The Court of Justiciary refused to give him any relief.

Having suffered the publick part of his sentence, and withdrawn from the city, as he was greatly depressed with age and infirmities, he ventured to return to his own house. There he lived in the most private manner, and in great poverty, owing to his business being stopped by the sentence, when a new publication appeared, that aroused the indignation of the magistrates. This was stiled, ‘ The ‘ King of Prussia’s letter to his Royal Highness Prince Charles.’ In this pretended letter, the King of Prussia congratulated the young Chevalier

* An inferior judge in Scotland makes nothing of sentencing a man to whipping, pillory, banishment from the limits of his jurisdiction, and such other trifling punishments, without the *idle* formality of a jury.

† Records of Justiciary, 27th November 1747.

Chevalier upon his arrival on the Continent; complimented him hyperbolically upon his gallantry; and lamented, that his connection with the present reigning family prevented him from lending that assistance to the Chevalier, which his merit deserved. Instantly the magistrates set themselves about discovering the publisher. They issued a warrant, signed by the Lord Provost and three of the bailies, and addressed to constables and town-officers, setting forth, 'That
' whereas there being reason to believe, that this publication has
' been printed or sold within this city or liberties, therefore granting
' warrant * to the constables, &c. to pass to the several printing-houses
' in this city or liberties, or other houses therein, where it may be
' suspected the paper above mentioned was printed, sold, or published,' and to seize the copies with the types and other materials, and to apprehend such persons as they should discover to have printed or published the same, and bring them before the magistrates.

A search was made agreeably to this extensive warrant, and the masters of several coffee-houses brought before them. Drummond being again the object of suspicion, was dragged from his lurking place, where he lay dangerously ill, to prison: But, after being confined about a fortnight, he was liberated, upon a certificate from a physician being produced, that, if he was kept any longer in jail, his life would be in extreme danger. He was, however, obliged to find surety a second time, to banish himself from the city. No further proceedings appear to have been carried on, in consequence of this pretended letter.

This, however, was not the last time Drummond experienced the hand of power. In order to harass him, the magistrates of Edinburgh became theologues and champions for the church. An exposition of the ten commands, in the form of question and answer, some parts of which favoured of popish tenets, was printed at Edinburgh. Instantly the magistrates, watchful that false doctrines be not propagated, send abroad their *general warrants*. Drummond is again apprehended, and Drummond is again the offender. After
having

* Original warrants in archives of the city of Edinburgh.

having been some days confined in prison, he was liberated, upon finding bail to stand a trial; which, however, was never pursued.

The next occasion upon which the printers of Edinburgh were called before the civil magistrate, was the most trivial which we can conceive capable of exciting the attention of a court of justice. It was such, indeed, as appears to us incapable of giving offence, but under the most despotick of governments; and, although the respectable character of the persons concerned in an attack, which to us appears so unwarrantable, forbids our supposing that they considered it as such; yet we cannot help looking upon their conduct, on this occasion, as tending *to the compleat suppression of the liberty of the press, and of freedom of communication of ideas between man and man.*

Those who are well acquainted with the late transactions in Edinburgh, can be at no loss to discover that we allude to the proceedings of the court of justiciary, against the printers who published the opinion of Mr Macarty, an English counsellor, upon the competency of appeal from the court of justiciary to the * House of Lords, and upon informalities in the trial in the case of Patrick Ogilvie and Catharine Nairn.

To treat publickly of matters *in dependence* before a court of justice, requires to be done with delicacy; because, although it seems allowable, and even proper for any one, to suggest arguments tending to illustrate an important case; yet nothing can be more improper, than to attempt to create a bias in judges, by a prejudication of their opinions, or even of those of the publick. But when the sentence is once pronounced, a greater latitude is to be admitted. It is a decision upon publick law, respecting the important rights of a citizen. It may become a precedent. It is only from an examination of the particulars, that an opinion of the solidity of the principles upon which judges have decided, and of the purity of their intentions, can be formed; therefore, when sentence is pronounced, it is the right of every subject, in a free state, to canvass it with decency.

* See the general question discussed, Book 4 c. 2.

decency. Whoever opposes this right, is, in so far, *an enemy to freedom and the liberties of his country*. The court of justiciary, notwithstanding the respectable light in which they are esteemed, will not pretend to a state of purity and infallibility above all other courts. Nay, they will not plead, but that, since their erection into their present form, prosecutions the most tyrannical, and even corrupt, have been carried on before them. Let us add, that, supposing a ministry were to arise as wicked as that of Charles II. the animadversions of the publick would be the most ready check upon this tribunal from returning to tyranny and corruption. In the present case, the court of justiciary were *functi officiiis*. They had determined upon the relevancy of the libel; the jury had returned a verdict; the court had sustained its formality. Sentence was pronounced against one of the criminals, and was suspended, with respect to the other, only on account of her being with child. The opinion itself, given by the English counsellor, was consistent with the strictest decency, and had at least a plausible foundation in law and good sense. It consisted of three positions, ‘ That an appeal lay from the court of justiciary to the House of Lords: That, by the law of England, a charge, that the prisoner was guilty of one or other of two crimes, would have vitiated the indictment; and that, from the mode of conducting the trial, the prisoners were laid under peculiar disadvantages, which, in the counsellor’s judgment, gave an undue influence to the evidence adduced against them.’

Mr Macarty’s opinion, with some most inoffensive notes prefixed to it, at which, however, the court took umbrage, having been published in the Scots magazine, and three Edinburgh news-papers, the court of justiciary, upon a representation by the Lord Advocate, ordered the publishers of these respective papers, to appear at the bar. The printers attended in obedience to the * citation, *and all of them acknowledged themselves in the wrong, professed their sorrow for what they had done, and submitted themselves to the court*. Nothing

* Rec. of justiciary, 18th and 25th Nov. 1765.; Scots mag. v. 27. p. 449. 561.

thing could be more dastardly than this submission of the printers. It was impossible for men, in their circumstances, to deserve worse of their country. It is by such abject timidity alone, that usurpation and tyranny are suffered, by gradual steps, to grow into established law. The Lords found, ' That the publication of the said ' opinions, especially with the notes prefixed to it, was a high indignity to the court, and a *precedent dangerous to the constitution of the country*;' but, in respect of their acknowledgement and submission to the court, the Lords, instead of fining, imprisoning, or otherwise punishing them, only dismissed them with a rebuke.

Notwithstanding so wanton an attack upon the liberty of the press, a publication, which we think truly reprehensible, soon afterwards made its appearance, and attracted the censure of the court of session. This was extracts copied into the Edinburgh news-papers, from a pamphlet, entitled '*Dorando, a Spanish tale*,' which had an evident allusion to the *Douglas cause*, then depending before the court of session. Such, indeed, was the spirit of party that displayed itself in Scotland, with relation to this memorable cause, that one would have thought the Scots had transferred their attachment to hereditary right from the house of *Stuart* to that of *Douglas*. Incendiary letters were sent to the judges, mobs were raised, illuminations were compelled, and the walls bedaubed with wretched libels, tending to cramp the judges in that freedom of deciding, absolutely necessary to justice.

The pamphlet *Dorando*, appears to have been the production of a keen partizan of the defendant Mr Douglas, if not a hireling of his party. The design of this publication was plainly to create a pre-judication in the judges, and to anticipate the judgment which its author wished to be pronounced by the court of session and the House of Lords. Under the colour of a *Spanish tale*, it was a history, and a very partial one, of the Douglas cause. The characters and events were so minutely described, that there needed nothing but a change of the names of the places and persons to bring it

home. It did not consist of a dispassionate inquiry into the proofs and arguments adduced by the parties ; but of a violent declamation in favour of the hero of the tale : And it brought the cause to a decision, relating the judgment of the court which first had the cause under consideration, and also of the court of review ; nay, putting speeches into the mouths of individual judges, who cannot be mistaken for any but the Lord President of the court of session, the Lord Chancellor of England, and the Earl of Chatham.

From this pamphlet extracts were made in the Edinburgh newspapers of some of the most exceptionable passages, while the cause was yet in dependence ; and, at the same time, some other paragraphs appeared, calculated with the like tendency. The Lord President complained of them to the court, and the printers were ordered to appear at the bar *immediately*. They came accordingly, found bail for their appearing at all other times, when that matter should be under consideration of the court, and were allowed to give in memorials, or to be heard at the bar in their defence. In their defences, the printers pled the general principles of the liberty of the press, of their constantly having had occasion to see the expediency of matters depending in parliament, the measures of government, and the proceedings of courts of law, made the subject of criticism in these periodical publications, without having been subject to challenge. They further pled, *that a whole impression of the pamphlet, from which the extracts were taken, had been sold off in Edinburgh, without the publishers having incurred any censure*. After an admonition and rebuke, the Lords dismissed them from the bar.

Still, however, the proceedings of the court wear an appearance of absurdity. The chief culprit, the original publisher *, was allowed to escape ; those who only copied from him, were subjected to censure.

Within

* Although the pamphlet bore to be published in London, it was also published in Edinburgh.

* * * * *

Within these few years, a great change has taken place in the *liberty of the press*. The conduct of persons in public office has been animadverted upon with freedom, and in several instances censured with acrimony. The bench has not escaped those criticisms, for which, so long as they are just, it will always be the better; and, from recent observation, we may venture to affirm, that, till this country shall suffer some melancholy revolution, no judge will be hardy enough to challenge publications, which, twenty years ago, no man would have ventured to print. This important change can only be ascribed to an increasing liberality of sentiment in the country, joined to certain persons having started up, who, convinced of the importance of the liberty of the press to the freedom of the constitution, were resolved to exercise it; and who were possessed of a determined principle, which, when accompanied with a consciousness of right, would have supported them against the frowns of a court.

OF THE MEDICAL AND PHILOSOPHICAL COMMENTARIES.

The first periodical publication in Edinburgh, in point of estimation and importance, is the medical and philosophical commentaries. This work was begun A. D. 1773. It consists annually of four numbers, one of which is published quarterly. The end which the compilers have in view, is to comprise, within a narrow compass, a distinct account of the latest and most important discoveries in medicine, and those branches of philosophy most intimately connected with it. These are chiefly taken from the transactions of publick societies, and the writings of private persons. But, besides these, the authors are enabled to present their readers with many curious articles that have never before been published, in consequence of an extensive correspondence.

Each number of this work is divided into four sections. The first is appropriated to an analysis of new books, or of particular papers in publick transactions. Here they pretend not to give judgment respecting the merit of any production ; but simply present their readers with an impartial detail of those facts and doctrines it contains, which they esteem most singular or most important. The second section consists of original observations and cases communicated to the authors for the purpose of publication. In the third section, they present their readers with accounts of medical or philosophical discoveries, which, although never before published, have been the subject of conversation at different places, and concerning which they are informed in the course of their epistolary correspondence. In the fourth and last section, they give a list of the medical publications which have appeared in different parts of Europe, during the three preceding months.

The success which has attended this publication is a proof of the general idea of its merit and utility. The sale of it has been extensive ; and the most eminent philosophers and physicians in Britain have contributed to the support of it, by transmitting original observations, or medical news to the authors. Besides having undergone a second edition, it has appeared in different languages in most countries of Europe. A German translation of it, which has been regularly continued, was begun at Altenburgh by a physician of eminence, not many months after the publication of the first number in Britain.

OF THE SCOTS MAGAZINE.

That species of periodical publication called a *Magazine*, was first introduced in the present century. It does not appear to have been attended with success till about the year 1730. At that time the *Gentleman's and London Magazines* became rival publications, and had both of them a pretty extensive circulation over the island.

As

As it was observed that these miscellanies which were published at London, were somewhat stale ere their arrival in Scotland; and, as it was thought, that a magazine, more particularly calculated for Scotland, for a consideration of its trade, and for the admitting of compositions by Scotsmen, might be generally acceptable, the *Scots Magazine* was begun at Edinburgh, by Sands, Brymer, Murray, and Cochrane, A. D. 1739, and is still carried on by Murray and Cochrane. This miscellany has now subsisted these forty years; and although, in that period, it must, no doubt, have undergone changes, in point of merit, character, and circulation; yet it has always been esteemed an accurate, judicious, and impartial publication.

OF THE WEEKLY MAGAZINE.

This periodical performance was begun by Walter Ruddiman junior, printer, A. D. 1768. In this, it was attempted to be copious in essays as a magazine, and early in intelligence as a news-paper. This miscellany consists chiefly of original essays on agriculture, manufactures, and other topicks, and of extracts from new publications; besides select pieces from other magazines and reviews, and the articles of intelligence. As all this was afforded very cheap, the publication was very successful. Indeed, it became so, in a degree unprecedented in Scotland; for, in winter 1776, the number of copies sold amounted to three thousand weekly.

This prosperity excited a jealousy in the authors of some other periodical works. A memorial was presented to Lord North, setting forth, that, although this was nominally a magazine, it was truly a news-paper; and, that its not being subjected to stamp-duty, was a hurt to the revenue, as well as a prejudice to those periodical publications which were subjected to the tax. Upon this an order was directed to the proper officers, to levy and sue for all duties on papers containing news or occurrences; and in a suit, which was brought before the exchequer in June 1777, the weekly magazine

was

was found liable to the duty. That Mr Ruddiman might not incur the stamp-duty for two sheets, he, after this trial, detached the miscellaneous part from the historical. Of the former, which still bears its old title, he now publishes about fourteen hundred weekly; of the latter, which is '*Ruddiman's Weekly Mercury*,' he publishes from eighteen hundred to two thousand.

OF THE EDINBURGH COURANT.

The first news-paper that we believe was ever printed in Scotland, was on Tuesday the 5th of August 1651. It was entitled '*Mercurius Scoticus*, or a true character of affairs in England, Ireland, Scotland *, and other forreign parts, collected for publique satisfaction.' This paper, which consisted of eight pages small quarto, was published weekly. The place where it was printed, and the name of the printer, are not mentioned; but it probably was printed at Leith. This was but a short-lived publication; for, in November 1652, we find, that it was thought sufficient to reprint at Leith a news-paper first published at London. This was entitled, 'A diurnal of some passages and affairs.' This paper also was of short duration. In about a year it made way for another, entitled, '*Mercurius Politicus*; comprising the sum of intelligence with the affairs and designs now on foot in the three *nations* of England, Ireland, and Scotland, in defence of the common wealth, and for information of the people. *Ita vertere seria*, Hor. de art poet. Printed at London, and reprinted at Leith.' This paper generally consisted of from eight to sixteen pages. In A. D. 1655, it was reprinted at Edinburgh, which appears to have been the first time that a news-paper was put to the press in that city. In February 1660, the following change was made on the title of this paper. These words, '*in defence of the common wealth*,' were left out, and the following were added, '*Published by order of parliament*.' At the end of the paper are these words, 'EDINBURGH, reprinted by
Christopher

* Collection of news-papers in possession of Mr Hary Guthrie writer in Edinburgh.

‘*Christopher Higgins in Hart’s close, over against the Tron Church, 1660.*’

On the 8th of January 1661, a new periodical work was published at Edinburgh, weekly, by Thomas Sydsenf, son of the Bishop of Orkney, bearing this title; ‘*MERCURIUS CALEDONIUS, comprising the affairs now in agitation * in SCOTLAND; with a survey of forraign intelligence.*’ At the foot of the 8th page are these words: ‘*Edinburgh, printed by a society of Stationers in the year 1661.*’ This paper, which was a fulsome rhapsody in praise of the King and royal family, expired in three months. It was succeeded by ‘*The Kingdoms Intelligencer, of the affairs now in agitation in Scotland, England, and Ireland; together with forraign intelligence. To prevent † false news. Published by authority.*’ From the copies we have seen of this paper, it subsisted at least seven years.

It is as impossible, as it would be insignificant, to enumerate the different news-papers which may have, from time to time, started up, and died away. In A. D. 1699, an Edinburgh gazette was published by authority, by James Watson. In the year 1709, the town-council, in virtue of the plenipotent jurisdiction they assumed, granted Mr David ‡ Fearn advocate, license to print a paper, to be called, ‘*the Scots Postman,*’ every Tuesday, Thursday, and Saturday; with a prohibition against all others from printing news-papers on these days.

At what time the Edinburgh Courant was begun to be published, we know not. But it appears to have been of an earlier date than the Scots Postman; for, in A. D. 1710, the celebrated || Dr Daniel de Foe, author of the history of the union, got liberty from the town-council to publish the Edinburgh Courant, in room of the deceased Adam Bog. This paper is published by the executors of Robert Fleming every Monday, Wednesday, and Saturday, in four pages large folio.

OF

* Mercurius Caledonius in Advocates Library; also in the possession of Mr Robertson, present publisher of the Cal. Mercury. † Mr Guthrie’s collect. of papers. ‡ Council reg. v. 39. 17th August 1709. || Ibid. v. 39. 1st February 1710.

OF THE CALEDONIAN MERCURY.

The time that this paper was begun is uncertain. It is printed on the same days, and in the same size, with the former. For many years it was published by that celebrated scholar and antiquary Thomas Ruddiman, A. M. The right to this paper was purchased from the heirs of Messrs Ruddimans, A. D. 1772, by Mr John Robertson, the present publisher.

The interesting state of public affairs induced Mr Robertson, about two years ago, to publish the Caledonian Mercury on each day that a London post arrives, i. e. five times a week. The communication by post between most parts of Scotland being open only three days in the week, joined to an additional duty having been laid upon news-papers, after Mr Robertson's proposals for publishing five times in the week were circulated, made this plan be attended with less success than was due to the public spirit displayed in the attempt. The plan was dropped. The paper is now published on the former days, and is in a very flourishing condition.

When the young Chevalier lay at Edinburgh with his army, the Caledonian Mercury was made the vehicle of communicating the intelligence of his party. In the *Mercuries* of September and October for that year, are to be seen the Pretender's manifestos and proclamations, and other articles, which afford not incurious matter of reflection to those who consider the vicissitude of human affairs.

OF THE EDINBURGH ADVERTISER.

Upon the posts between London and Edinburgh being increased from three to five in the week, Mr Alexander Donaldson bookseller, now of St Paul's Church-yard, began to publish a news-paper, entitled, The Edinburgh Advertiser, on the new post days, Tuesday and Friday. This paper, which consists of eight pages quarto, is published twice a week. It is now carried on by his son, and has an extensive circulation *.

CHAPTER

* It is a strange circumstance, that, when we were at London A. D. 1777, Bath, Bristol, Liverpool, York, and other news-papers, were to be found in many Coffee-houses: but none from Edinburgh, but in the *Edinburgh Coffee house*.

CHAPTER V.

OF Legislative and Judicative Assemblies, and of the Jurisdiction of the Magistrates of Edinburgh—Of the Parliament of Scotland—Convention of Royal Boroughs—Courts of Session—Justiciary—Exchequer—High Court of Admiralty—Commissary Court—Lyon, Sheriff, and Justice of Peace Courts—Criminal Court of Edinburgh—Bailie Court—Ten mark Court—Dean of Guild Court.

THE supreme and absolute power presently vested in parliament was by no means of old possessed by the parliament of Scotland; and that not so much from the want of right, as of force. The country was uncivilized; freedom was not established; the chieftains possessed a power and jurisdiction incompatible with a regular government. Standing armies, nay, even regular forces, were unknown; taxes were little felt; the King enjoyed a large patrimonial estate; and the necessity of holding parliaments was not so urgent, nor the influence of its decrees so important, as in modern times. Their meetings were short, but not unfrequent. Their deliberations chiefly respected the regulating of inland commodities, and internal police: And, from the barbarous manners of the country, such resistance was made to the executive arm of the state, that frequently there was no enforcing the decrees of parliament, or sentences of the courts * of justice, without letting loose all the terrors of proscription and of the sword.

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Besides

* Of this, the acts of parliament regulating the manner of attending courts of justice; the act concerning the clan *Gregour*; an order of Queen Mary for the inhabitants of no fewer than *eleven counties* to attend in arms one of the judges going upon a circuit; and the letters of fire and sword which were frequently issued, afford sufficient evidence.

James

Besides its legislative authority, the parliament, from the earliest times, acted in a judicative capacity, both in civil and criminal cases, and that in the first instance, as well as upon appeal.

There is no vestige of any parliament having been held in Scotland before the reign of William the Lion. That Prince mounted the throne A. D. 1165. Some of his statutes are preserved, which bear to have been enacted at Perth, ‘*Coram Episcopis, Abbatibus,** ‘*Baronibus, et aliis probis hominibus terrae suae.*’ It is fully instructed, that, by the *aliis probis hominibus*, were meant freeholders, holding immediately of the crown; for one of the statutes of that same Prince is mentioned, as being enacted by the King, ‘*de communi concilio et deliberatione Praelatorum, Comitum, et Baronum, ac Libere-tenentium.*’ And, in the statute of Alexander II. it is declared, that no one shall undergo a trial that may affect him in his life, or any of his members; ‘*Nisi per fideles homines, et per probos libere-tenentes per chartas.*’

Antiently, a representation of the counties in parliament could not take place; for the freeholders, holding of the crown, attended personally.

James II. parl. 14. c. 82.; Mary, parl. 6. c. 41.; James VI. parl. 8. c. 140.; Charles I. parl. 1. c. 30.; Keith’s hist. of Scotland, p. 198. Letters of fire and sword were commissions addressed ‘*TO ALL AND SUNDRIE,*’ issued by the privy council, in name of the King, giving power to certain commissioners to convocate the people in arms, and to pursue and apprehend the persons against whom the letters were directed; and, in case of resistance, to kill, burn, and destroy, &c. An ingenious writer appears to have considered them as being partly an engine of arbitrary power; and observes, that they went into disuse upon ‘*the mild and equitable government that commenced at the revolution.*’ Quite the reverse; they were proofs of the imbecillity of government, and of the turbulence of the people. Let it be asked of this good Lord, Where did *this mildness and equity commence?* Was it in the valley of Glencoe? Does he collect those amiable virtues from the mandate of King William to his officers to murder all under seventy, or in the barbarous punctuality of the soldiers, who performed their commission in the dead hour of the night, against those with whom they lived in apparent friendship; the guests against their respective landlords? A massacre so unprovoked, so barbarous, and so impolitick, as hardly to be paralleled; Kaim’s Elucidations, p. 411.; Memoirs of the massacre of Glencoe, p. 55. 74.

* Statuta Wilhelmi, c. 1. 32.; Statuta Alexandri II. c. 3.

sonally. This attendance was found troublesome. Those entitled to be present frequently appeared by deputy, an abuse afterwards corrected * by statute ; or absented themselves altogether, for which they suffered a pecuniary penalty. But, in the reign of James I. the small barons and freeholders were allowed to appear by their representatives † ; and the counties were appointed to defray the expences of their representatives, a law observed in Scotland till the union. Still, however, the lesser barons neglected to send commissioners, the condition upon which they were exempted from attending on parliament ; and were also remiss in ‡ paying their attendance ; so that, at last, it came to be doubted, how far they were entitled to a seat : And it was not till the reign of James VI. that the appearance of the lesser barons, by their representatives, came to be fully established.

The time when the boroughs first appeared in parliament by their representatives, can be pretty nearly ascertained. It was between the years 1319 and 1326. In the || last of these years, the boroughs are mentioned, as being present in parliament, consenting to an aid granted to King Robert Bruce, and as forming the third estate of parliament. The three estates were antiently considered as being composed, the first, of dignified churchmen ; the second, of the earls and barons ; the third, of the commissioners from boroughs. But, in the reign of James VI. attempts were made to abolish episcopacy ; and the privileges enjoyed by the order of bishops were successively infringed and restored. In the year 1640, the episcopal form of church-government was § abolished, and the dignitaries of the church were excluded from parliament. Upon the restoration, both were

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restored.

* James I. parl. 3. c. 52. † Ibid. parl. 7. c. 102. ‡ James II. parl. 14. c. 75. James IV. parl. 6. c. 78 ; Append. to Robertson's history of Scotland, No. 4.

|| In the enumeration of the constituent parts of the first parliament held by Robert Bruce, no mention is made of the boroughs. But they are taken notice of in an indenture between that King and his people, as being present in parliament A. D. 1326 ; *Statuta prima Roberti Primi* ; MS. in Advocates Library, published in Kaimes's Law Tracts, Append. No. 4. ; *Statuta Davidis II. c. 41.* § Rescinded acts A. D. 1640. c. 2.

restored. At the revolution, both were finally abrogated; and, from that time, the three estates of parliament were, the nobility, the barons or knights of the shire, and the commissioners from the boroughs.

The most remarkable difference between the English and Scottish parliaments was, that, in the latter, the three estates did not form separate houses. They constituted one assembly, joined in one debate; and the result of their deliberations was determined by the plurality of voices collected from the whole individuals. Thus, each estate's possessing a negative, and thereby being a check against encroachments by the others, one of the great safeguards of the English constitution was wanting.

The parliaments of these respective nations differed in another point, of such importance, as in Scotland left the King an almost absolute controul over the matters to be agitated in that assembly. There was a committee peculiar to the Scots parliament, entitled *the Lords of Articles*. They are a remarkable instance of an institution, harmless, and even salutary in its origin, upon being suffered to remain unaltered, with a change of manners and of circumstances, becoming most pernicious. In the early ages of the Scottish parliament, the nobles and barons were equally rude in manners, and destitute of learning. Accustomed to those contests which were to be decided by vigour and agility of body, they were strangers to any deep or painful exercise of the faculties of the mind, still more to those arts which make a figure in debate. Conscious of their general incapacity for conducting business, a committee of persons, the most intelligent and expert, would be appointed to deliberate on matters that were to be brought into parliament, and to prevent an unnecessary multiplication of business, by rejecting such as were obviously inexpedient. Thus, to the assembly at large, no further trouble would be given, than to judge of matters, whose tendency was ready to be explained to them by the committee, and to give their

their approbation or dissent. In this manner, *the Lords of articles* came to be instituted.

As matters brought into parliament were wont to be introduced by the Lords of articles, in time it came to be contended, that nothing could be agitated in that assembly, unless ushered in by this committee, who were thus vested with a negative, which could quash the very introduction of any matter into parliament; a negative which was even * ratified by statute.

The committee of articles was probably a very early institution in the Scottish parliament. It is at least, we are certain, coeval with the first national assembly held by James I. before which †, parliaments were ‡ not regularly, nor frequently assembled. As it behoved the Lords of articles to have such influence upon the resolutions of parliament, the mode of electing them was of great importance. They were generally, if not uniformly, chosen by the estates of parliament themselves; and it was chiefly from the influence which the crown had with the bishops, and from the officers of state being joined to this committee, that the King possessed such an authority over it. The Lords of articles consisted of an equal number from each estate; the manner of choosing them was frequently varied. From the reign of Charles I. downwards, the parliament, after having been legally assembled and constituted, adjourned for a short space. The Lords Spiritual met in an apartment by themselves, and chose

* James VI. parl. 14. c. 218. † See title to the statutes of James I. printed in black letter. Ditto to 14th parl. of James III.; Rolls of parl. 1633, 1685.; Charles II. parl. 1. sess. 3. c. 1.

‡ It is deserving of notice, that the first parliament which appears to have been held in Scotland, was in the reign of William the Lyon, who had been a long time prisoner in England; and the first time that the lesser barons appeared by their representatives in parliament, was in the reign of James I. who was also a long time prisoner in that country: Nay, this prince appears to have intended, that the Lords and Commons should meet in separate houses, as in England; for, in the same statute by which commissioners from the shires are introduced, they are appointed to choose a *speaker*, who was to manage the business of the commons. Now, the chancellor was already the president and speaker of parliament; but hardly any part of this act took effect. James I. parl. 7. c. 102.

chose eight peers. The Lords Temporal chose eight bishops. These sixteen chose eight knights of the shire, and eight burgesſes; and to the whole were added eight officers of ſtate. The parliament * 1640, which met during the rebellion, curtailed the powers of the Lords of articles, and they were entirely abrogated at the revolution.

Befides the Chancellor, who was preſident, the Lord High Conſtable, the Earl Marſchall, the Lord Provost of Edinburgh, the ſheriff of that county, and the publick executioner, were conſtitutional officers of parliament. The clerks of ſeſſion and juſticiary alſo attended. At the beginning of each ſeſſion of parliament, the King, or his commiſſioner, and the three eſtates, rode in ſolemn proceſſion in their parliamentary robes, from the palace of Holyrood-houſe, to the parliament-houſe; and, after that meeting was over, they returned in like manner to the palace, where a royal entertainment was provided †.

OF THE CONVENTION OF ROYAL BOROUGHES.

In the dark ages, the towns in all European nations were held under a ſtate of ſervitude by the kings or nobles; but, in the ‡ eleventh century, ſeveral cauſes contributed to procure many valuable privileges and immunities to the towns of Italy, and the example operated with rapidity over all Europe. The inhabitants of towns were enfranchiſed; they were erected into bodies politick, with a right of being governed by a magiſtracy and council of their own chooſing, and with many other privileges. The erection of royal boroughs in Scotland, is at leaſt as early as David I.; for, in a charter granted by that Prince to the canons-regular of Holyrood-houſe, Edinburgh is ſpoken of as a borough holding of the King, paying him certain annual revenues, and having the privilege of free markets.

The

* Reſcinded acts 1640, c. 3.; William and Mary, parl. 1. c. 3. † See append. No. 6.

‡ Robertſon's hiſt. of Charles V. v. 1. p. 32.

The judgments of the magistrates of boroughs were liable to the review of the chamberlain of Scotland, and his court of the four boroughs. This was an officer of great dignity and extensive jurisdiction. He kept the accompts of the royal revenues and expences; and he held circuits, or *chamberlain-ayres*, (as they were called), in the different boroughs, for the purpose of * reviewing the decrees of the magistrates, of hearing complaints against them for mismanagement of the publick revenue, and for regulating the police; But the decrees of the chamberlain were themselves liable to be reviewed by the *court of the four boroughs*. This court, in which the chamberlain presided, was composed of certain burgeses of the towns of Edinburgh, Stirling, Berwick †, and Roxburgh, who were appointed to meet annually at Haddington, to decide ‡, as a court of the last resort, upon appeals taken from the chamberlain-ayres, and to deliberate and determine upon all matters respecting the common welfare of any of the royal boroughs. Upon the office of chamberlain being suppressed, the power of controuling the magistrates accompts was vested in the court of exchequer; that of reviewing their sentences was left to the ordinary courts of law; and the power which the chamberlain, in his court of the four boroughs, had, of regulating matters respecting the common welfare of that state, was transferred to *the convention of royal boroughs*.

This court was constituted in the reign of James III. and appointed to be || held yearly at Innerkeithing. It does not appear, however, from the records of the convention §, that it met earlier than the year 1552. By a statute of James VI. this convention was appointed to meet four times in the year **, in any borough they thought proper; and, to avoid confusion, it was ordained, that only one commissioner should appear for every borough, except Edinburgh,

* *Iter Camerarii.* † When Berwick and Roxburgh were taken by the English, the boroughs of Linlithgow and Lanark were substituted in their place. ‡ *Curia quatuor burgorum.* § James III. parl. 14. c. 111. § Black on the royal boroughs, p. 42. ** James VI. parl. 5. c. 64.

burgh, which should have two. By a subsequent statute, a majority of the boroughs *, or the city of Edinburgh, with any other six, were empowered to call a convention as oft as they thought proper, and all the other boroughs were obliged to attend it under a penalty.

From the institution of the four boroughs, the powers of the convention may, in part, be collected. They chiefly respect the establishment of regulations concerning trade and manufactures; and, to this effect, the convention has † established, and, from time to time, renewed articles of the staple contract with the town of Campvere. As the royal boroughs pay a sixth part of the sum imposed as land-tax upon the counties of Scotland, the convention is empowered to consider the state of trade and revenues in the individual boroughs, and to assess their respective proportions of the land-tax, conform to their abilities. This court has also been in use to examine the conduct of magistrates in the administration of borough-revenues, although this properly falls under the jurisdiction of the court of exchequer, and to give its sanction, upon proper occasions, to the town-council of any borough, to alienate a part of its real estate. The convention has likewise been in use to consider the political *set*, or constitution of the different boroughs, and to regulate matters respecting elections, when brought before them. But in this matter they had passed acts extending their jurisdiction in a manner unwarranted by law; the powers of the convention were become very uncertain; and it came at length to be contended, that they could alter the political constitution of any borough whatever.

The appetite for power natural to publick bodies, as well as to individuals, joined to an idea of expediency, produced an act of convention ‡, by which it was statuted, that, to remedy the obscurity and confusion which arose from the great discrepancy in the political constitutions of the different boroughs, the whole of them should

* James VI. parl. 14. c. 119.
convention, 4th April 1552.

† Maitland's hist. p. 383. et seq.

‡ Records of

should be reduced to the standard of that of Edinburgh; but to an order so palpably exceeding their powers, no regard was paid. The convention next embraced the idea of forming itself into a perpetual standing umpire between * boroughs, enacting, that all differences between borough and borough, should be determined by the convention, to whose decrees they were required to submit, without freedom of appeal. By a subsequent act, they extended this regulation to all disputes between burghesses among themselves, respecting the election of magistrates or counsellors †, their management of the revenues, and other publick concerns. This last regulation, however, only required the burghesses to have recourse to the convention, in the first instance, but did not tie them up from appeal.

The boroughs acquiesced in this order of their head-court, and recourse was frequently had to the convention, to alter or new model the political constitution of boroughs; but this was always done upon submission by the parties, or surrender of all their rights into the hands of the convention, for a new *set* to be returned to them; and there were instances of that court having declined its own jurisdiction, when the consent of parties to the exercise of their authority was wanting. A very late attempt, however, has been made, which, had it succeeded, the convention would have been vested with powers of altering the political constitution of any borough whatever. In a borough, whose *set* was established by decret-arbitral, confirmed by immemorial custom, and ratified by an act of the King in privy council, a part of the community, in opposition to the rest, voted a resolution to apply for the authority of the convention to alter the ‡ *set* of the borough. This resolution was stopped by their political opponents, who presented a bill of suspension to the supreme court, alledging, among others, that the convention had no powers to alter the set of their town; and the court,

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after

* Records of convention, 25th October 1574.

† Rec. of convention, A. D. 1706.

‡ The form which directs the mode of choosing the magistrates and counsellors administrators of a borough, is called, ‘*the set* of the borough.’

after full disquisition, found unanimously, that no * such powers were lodged in the convention. This judgement of the court of session appears to be founded on the most obvious principles of law and purposes of expediency. When the constitution of a body-corporate has been once fixed, the rights arising † therefrom, are as inviolable as those of private property; and, therefore, cannot be affected but by authority of parliament. The peace and security of the constitution at large depends upon the stability and harmony of the parts of which it is composed. If these parts are to be regulated by the will of that branch of the community to which they respectively belong, and not by the dictates of their charters, we have no such thing as law or a constitution; we are no longer governed by law, but by the changeable caprice of men. Nothing but the immutability of the constitution can establish the harmony and security of a state. To this any trifling advantages to be reaped from a change ought to be sacrificed.

The convention of the royal boroughs is in use to meet annually at Edinburgh. It is somewhat singular, that the Lord Provost of Edinburgh, although not a member, is their perpetual preses; the city-clerks of Edinburgh are clerks to the convention. This court sits commonly four days. During the time that it sits, the magistrates of Edinburgh keep open table for the members of the convention.

OF THE GENERAL ASSEMBLY.

The mode of arrangement, which, to us, appeared most natural, led us to give an account of the General Assembly, in book second, chapter first.

OF

* Merchants of Edinburgh against trades, Dalrymple against Stodart, Aug. 7. 1778.

† The reader who wishes to consult other authorities respecting this matter, is referred to the decisions, trades against guildry of Inverness, 10th Feb. 1724; hammermen, &c. against weavers, &c. of Glasgow, 17th Feb. 1775; and to the records of convention for A. D. 1590, 1724, 1741, 1748, 1769.

OF THE COURT OF SESSION.

During the prevalence of the feudal system, an ample territorial jurisdiction was vested in the barons, or great proprietors of land, a jurisdiction which was not annexed to the person, but to the lands. We have seen already, that in towns, the magistrates possessed that authority which the barons did in their domains: That, from the magistrates, an appeal lay to the chamberlain-ayre, and from the chamberlain-ayre to the court of the four boroughs. In like manner, an appeal lay from the baron * court to the sheriff, from the sheriff † to the King's justiciary, and from the King's justiciary to the parliament. Along with the judges ordinary, the King in council had a cumulative jurisdiction. The frequency of causes brought before them was found troublesome, and a new court was erected for discussing those causes which formerly used to be determined by the King ‡ and council. This court consisted of many members of parliament, who served by rotation, and were named by the King. They assembled thrice in the year for the space of forty days each, and so numerous were the judges who served in rotation, that the vice was seldom completed in less than seven years. A court, whose members were so fluctuating, was not found of publick advantage. In its room was substituted the *Daily Council*, so named from its sitting daily through the year. This court, which was in-

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* The reason why an appeal lay to parliament, as a court of the last resort, from causes originating in the baron-courts, and not in borough-courts, appears evidently to be the following: The bishops, barons, and freeholders, composed the high court of parliament. Originally the boroughs had no place in that assembly. The *Curia quatuor Burgorum*, was an earlier institution than the representation of boroughs in parliament. Now, trial by peers was a fundamental principle in the law of Scotland as well as of England; therefore, it was natural to appeal to parliament causes concerning the barons, but not the boroughs; for they had no peers there. In the *Curia quatuor Burgorum* were their peers, and, therefore, it was their court of last resort.

† Form and manner of baron courts, c. 15. 16. ‡ James I. parl. 3. c. 69.; James II. parl. 14. c. 63.; James IV. parl. 6. c. 58.

stituted by James IV. was also defective in its constitution, in so far as no quorum was named, nor was there any compulsion upon the judges to attend; and in its room the court of session was established, A.D. 1532*, in form pretty near to that which it still retains. This court was appointed to consist of fifteen ordinary judges, seven churchmen, seven laymen, and a president, whom it behoved to be a churchman. Besides these, the Lord Chancellor had a right to preside and vote in that court, when he thought proper; and the King might also appoint three or four peers of the realm, *extraordinary Lords*, (as they were called), with a power to take their seats on the bench, and vote when they thought proper; a privilege which the King never failed to exercise. This part of its constitution was a great nuisance. Men, ignorant of the laws in general, and unacquainted with the particular cases in which they interfered, who had no salary for their trouble, and who, on these accounts, could not be expected to attend the court, but when instigated by personal motives, or political views, were not ashamed to take their place amidst experienced judges, and to thwart the ordinary course of justice with their unhallowed voice. This pernicious part of the institution was abrogated since the accession of the House of † Hanover. By a statute of James VI. parochial clergymen are forbidden ‡ from bearing any office in this court; and, by one of the rescinded acts, this prohibition is extended against all churchmen whatever. The judges of this court must now be chosen from among advocates of at least five, or writers to the signet of ten years standing: But, in practice, instances of the latter being raised to the bench are extremely rare.

The judges in this, as in all supreme courts, are in the nomination of the crown; yet James VI. gave the court a power of electing their own president; and afterwards made a regulation, that, upon every vacancy in the bench, his Majesty should present to the court a list of
three

* James V. parl. 5. c. 36 *et seq.* By mistake, in the printed copies of the acts, it is called 1537.; Erskine's inst. fol. edit. p. 40. † 10. Geo. I. c. 19. ‡ James VI. parl. 8. c. 133.; Rescinded acts, A.D. 1640. c. 26.

three * persons, out of whom they should nominate the judge ; and, in fact, two judges were installed in this manner : But the King quickly resumed the exercise of both these rights. These have, ever since, continued with the crown, except during the usurpation, before which, the parliaments of England and Scotland had gone hand in hand, in stripping the King of all his prerogatives, till he was finally robbed of his crown and his life. At that time, the Scots parliament enacted, that the officers of state, and judges of the court of session, should be nominated by the King, with advice of the estates of parliament ; a rule which was abolished at the restoration.

In the statute erecting this court, Edinburgh is mentioned as its place of meeting ; yet the summonses, (which run in the King's name), in expressing the place of meeting †, mention '*Edinburgh, or where it shall happen them to be for the time.*' And, in fact, there have been instances of their meeting at Linlithgow and Stirling. This court sits two terms in the year, from the 12th of November to the 12th of March, and from the 12th of June, to the 12th of August, with an interruption of about three weeks during the Christmas holidays. It is curious to observe, that the circumstance of this court's sitting in the Christmas holidays, or not, has been a sure criterion whereby to judge of the dominion of the presbyterians. Various contradictory regulations have been made concerning this important point.

In those nations, where the feudal law prevailed, the King has been deemed the fountain of jurisdiction. He often sat in person to decide justice, and either he, or the judges deputed by him, discussed all causes whatever. There are many instances of the Sovereign's sitting in judgment in Scotland, some of them at no very distant aera. As, by the antient law, the accused might either purge themselves by an affize, or by judicial combat ; if they chose the latter,

* James VI. parl. 6. c. 93. act of *federant*, 26th June 1593. ; Rescinded acts 1641, c. 15.
Charles II. parl. 1. c. 2.

† James V. parl. 5. c. 37.

latter, the battle was urged in presence of the King, his justiciary, or the Lord High Constable, who decided upon the issue of the contest. A decree of * King Robert Bruce, A. D. 1312, is preserved, in which the King adjudged a coat of arms to William Harding an Englishman, upon the pretensions to that coat having been decided before the King, by single combat, between Harding and William de Saintlowe, a Scotsman. Nay, so late as the reign of James V. there is an † instance of judicial combat having been decided before that monarch. In few nations of Europe, the Sovereign retained his judicative authority so long as in Scotland. He presided in the tribunal, in the ordinary course of justice, after judicial combats had become unfrequent. In the reign of James III. a trial for high treason is preserved, in which the King sat as judge ‡, and the Lords of parliament formed themselves into a jury; and, in that of James VI. that Prince presided in the court of session in several instances: In one especially, where he and Sir William || Douglass of Glenbervie, were competitors for the estate of Douglass, and in which the Sovereign, who presided in the court, had judgment pronounced against him.

The court of session was erected by James V. into a body-corporate, to be called the *College § of Justice*. It consists not only of the judges, but also of the advocates, writers to the signet, clerks of session, and some others. They are endowed with many valuable privileges. They are not subject to the jurisdiction of any inferior judges. They are exempted from paying the taxes imposed upon the inhabitants of Edinburgh for ministers stipend, and from paying of impost on liquors, and performing any services within the borough :

* Accompts of the Chamberlain of Scotland published by John Davidson, Esq; appendix 2. No. 2. † Drummond's hist. p. 105.

‡ Upon this trial, Lord Kaim observed, that the Lords of parliament were both judges and jurymen; but we presume the King to have been judge, the Lords of parliament the jury. The reader will judge from the trial, appendix, No. 9.

|| *Craig, Jus Feudale, lib. 3. diag. 7. § 12.* § James V. parl. 5. c. 36. 68. Mary, parl. 6 c. 39. Charles II. parl. 2. sess. 2. c. 8. Act of sederunt, 23d Feb. 1687.

borough : Nay, by several statutes, they are exempted from paying land-tax, and from all publick taxes and contributions whatever ; a privilege which, indeed, they have not exercised since the revolution.

The Court of Session possesses a jurisdiction, and exercises powers so extensive, as not to be exceeded by those of any tribunal in a free country. This plenitude of power is owing to a variety of circumstances, which we shall endeavour to explain. They possess a supreme civil jurisdiction, liable, however, since the union, to the review of the House of Lords, a mark of subjection which, before that, was not imposed upon them ; for, by the law of Scotland, no appeal * lay from the Court of Session to the parliament. They do not judge maritime nor consistorial causes, nor those which are proper to a court of freeholders, or the Lord Lyon, in the first instance ; but the decrees of these different courts are subject to their review. They possess a criminal jurisdiction †, not only in those matters which may arise incidentally in civil causes, such as perjury and forgery, but also in the crimes of usury, deforcement, wrongous imprisonment, fraudulent bankruptcy, and others ; and, although they cannot indeed punish capitally, yet whipping, imprisonment, pillory, *nailing the ear to a post*, and perpetual ‡ banishment, are classed among the number of their punishments.

The chief circumstances which make their power important, and may some day render it formidable, is, that they are judges both of law and of fact ; that neither in their civil nor criminal capacity do they ever hold trials by jury. This material circumstance is clearly an innovation in the law of Scotland. The || old laws and statutes every where make mention of trial by jury, in matters civil, as well as

* See a disquisition concerning this matter Book 1. c. 4. *prop. fin.* † Mary, parl. 6. c. 47. ; James VI. parl. 7. c. 118. ; William, parl. 1. sess. 6. c. 5. sess. 6. c. 6. ; Officers of state against Coutie, 2d March 1611. ‡ Acts of sederunt, 8th January 1736, 23d February 1739, 28th July 1739, 18th February 1747, 26th February 1762. || Regiam Majestatem, lib. 1. c. 12. ; Quon. Attach. c. 32. 67. ; Statuta Alexandri II. c. 3. ; Statuta Roberti III. c. 1.

as criminal ; that of trial by peers * was in both nations, what it still continues to be in England, a fundamental law of the country. An ingenious author has conjectured, that, whenever trials came to be held, not by one, but by a plurality of judges, the use of juries was deemed † superfluous, as it was thought, that a trust might be reposed in a multitude of judges, which could not safely be vested in one ; accordingly, that, when causes which were in use to be tried by the Chamberlain, or justiciary, came to be discussed by the King and council, trial by juries was superseded : That the original Court of Session, which was instituted A. D. 1425, to relieve the King and council, and which was very numerous, would naturally adopt the forms of the court to whose authority it succeeded ; and that the court of *daily council*, and the present *college of justice*, which successively were substituted in its room, would imitate the same example. In support of his hypothesis, the same author has observed, that the intervention of a jury was never used in parliament : And, accounting for juries being also disused in causes before the sheriff, after observing, that this mode of trial, in sheriff-courts, is mentioned in a statute A. D. 1587, he has attributed the innovation to the appetite for power, and desire of imitating our superiors, having produced that encroachment. He confirms his opinion, by a discovery, that, in the most remote county of Scotland, trials by jury had not gone into desuetude in the sheriff-court, so late as the year 1604. From the general proceedings of the Court of Session, as well as the conduct of the Lords of Justiciary, in the cases of Caldwell, Drummond, and M'Donald, it would appear ‡, that the supreme judges in Scotland are extending, both in their

* The *brief of inquest*. A branch of that custom, in civil matters, still remains ; without it, no body can be served heir to a person dying intestate. † Kaimes's Law Tracts, p. 270. 274.

‡ In the case of Caldwell, the prisoner was charged with a robbery. He pled lunacy. The court took trial of his insanity by witnesses, and pronounced his madness affected. Then the fact of the robbery was remitted to an assize, was found proven, and the prisoner

their own and in the inferior judicatories, the latitude of trial without jury.

In virtue of an act, empowering the Court of Session to make statutes for regulating of process * agitated before them, and for the speedy execution of justice, they exert a species of legislative authority. For, in what they call their *acts of federunt*, they not only regulate the form and manner of proceeding before the court, but pronounce edicts which, it appears, acquire a sanction from no lesser authority than the legislature. For instance, besides making an act of federunt, that their own salaries should not be liable to arrestment, which, it may perhaps be pretended, was but declaratory of law, they enacted, that all bankrupts should continually wear an upper-coat, whereof the one half to be of yellow cloth, and the other of brown, and upon their head a cap of the same sort. That, if the magistrates of royal boroughs should permit prisoners for debt to retire beyond the walls of their prisons, without a certificate of their being in extreme danger of life, the magistrates should be made liable for the debts of the prisoners, although they returned to du-rance. They have frequently fixed the prices of provisions, and have given authority to magistrates to compell all inn-keepers, and dealers in poultry, to declare, upon oath, at what prices they had sold poultry †, dressed or undressed; so that it might be discovered whether the standard prices were conformed to. Upon the death

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of

ner condemned and executed. The case of Drummond, the printer, has been already mentioned, Book 3. c. 4. In that of M'Donald, the prisoner was brought before the court, as being one of the persons mentioned in the act of attainder, passed in the 19th year of George II. and sentence of death was craved to be awarded against him. He pled, *that he was not the person mentioned in the act of attainder*: That, supposing him to be one of the persons meant, the condition under which the act of attainder took place never existed; for the prisoner had surrendered himself within the time limited; and he craved, that the facts might be tried by a jury. This the court refused; and they pronounced sentence of death against him: But he was saved by royal mercy; Records of justiciary, 15th July 1737, 11th March 1754.

* James V. parl. 7. c. 93.

† Acts of federunt, 27th February 1662, 26th February 1665, 15th January 1669, 14th June 1671, 3d November 1742, 17th July 1744.

of commissaries in the ecclesiastical courts, and of sheriffs-depute, they have been in use to grant commissions to persons to exercise these offices, till they were of new filled up by the crown. These, however, were, comparatively speaking, trifling exertions of authority. The manner of removing from lands tenants continuing possession after their leases were expired, was regulated by express statute, *not gone into desuetude, but in full and daily force*. As inconveniences were felt from the mode laid down * by act of parliament, the Lords of Session, by their own authority, made an act of sederunt, empowering proprietors of land to pursue a different and more summary mode of removing than that prescribed by statute.

Upon the disturbances which happened in Scotland on the commencement of the malt-tax, the court assumed a high tone of authority. As this tax was deemed very oppressive, it excited tumults in many parts of Scotland. But, in Edinburgh, there were no disturbances, unless a resolution which was begun to be formed by the people, not to drink ale at an advanced price, and by the brewers to give up their business, as no longer profitable, shall be deemed such. The Court of Session made an act of sederunt, ordaining, that no ale should be sold under two-pence the Scots pint. Upon an information being presented by the Lord Advocate against the brewers, that they intended, in a body, to relinquish their employment, the court ordered the whole persons complained upon, to the number of a hundred and fifty and upwards, to continue their business till the first of November † ensuing, in the manner they had respectively carried it on for a month past. They further required the whole brewers to appear before them next day, and to bind themselves to carry on their business in the manner, and for the time prescribed, under the penalty of L. 100 Sterling each. Mean time a petition was presented on behalf of the brewers, who appeared

* Mary, parl. 6. c. 39; Act of sederunt, 14th December 1756. † Unprinted acts of sederunt, 8th, 29th, 31st July 1725; Edinburgh Evening Courant, 8th, 29th July, 9th 23d, 24th, 26th August 1725.

ed next day in court, agreeably to the citation, but refused to bind themselves in the terms prescribed. The court renewed the order upon the brewers, proroguing the time for their compliance till the 10th of August, and ordaining all those who, at the time specified, should still be found refractory, to be incarcerated till the first of November. As for the brewers petition, the Lords rejected it, ordered it to be kept by one of the clerks of session, as a document for the prosecution and punishment of its * authors, prohibited any copies of it from being made, except an attested one, to be given to the Lord Advocate; and, at the same time, they sent a very low retainer to the court with a written order, which was to be read in all the printing-houses in Edinburgh, (but no copies of it to be left), discharging the printing or publishing any copies of the petition. The brewers still continuing refractory, several of them were incarcerated; but, as they observed that some of their brethren were carrying on the business, those who were in confinement also became

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bound

* The proceedings of the court upon this occasion are very imperfectly recorded in their books of sederunt. No mention is made of a petition having been presented for the brewers, and the order for burning it is omitted. It is preserved in the Edinburgh Evening Courant of the 2d August, in these words: 'Edinburgh, July 30. Whereas, the Lords of Council and Session have, by their interloquitor of this date, found a petition presented to them by certain brewers, to be false, scandalous, and seditious, and filled with positions that endeavour to pervert, and are flatly contradictory to law, tending to promote opposition and disobedience to his Majesty's government, and highly reflecting on the authority and justice of this court, and exciting distrust thereof among the people, and therefor rejected the same, and ordained a copy thereof furthwith to be burned by the hand of the common hangman at the cross of Edinburgh; and appointed and required the magistrates of the said city to see the same put in execution. And, in regard there remained not sufficient time for the court to proceed fully upon it this session, ordained Sir John Dalrymple, his Majesty's clerk, to keep the principal petition, to the end further directions might be given for detecting, prosecuting, and punishing, according to law, the authors, advisers, abettors, and subscribers thereof. And discharged the said clerk to give out any other copy of the same, excepting one, which he was thereby required to give to his Majesty's Advocate attested. These are therefor appointing and requiring the magistrates of the city of Edinburgh to see the copy of the said petition herewith delivered, furthwith burned by the hand of the common hangman at the mercat-cross of Edinburgh, as aforesaid. Signed HEW DALRYMPLE, J. P. D.' The petition, which was the subject of this angry edict, is not to be recovered; Edinburgh Evening Courant, from 29th July to 2d August 1725.

bound for their compliance, and, in consequence, were set at liberty. His Majesty being then abroad, the Lords of the regency sent a letter to the Court of Session, expressing* the warmest thanks for, and highest approbation of their proceedings.

These acts of authority, as well as their deciding both as a court of law and of equity, are, (it is said), exertions of the *nobile officium*, which it is alledged is inherent in the supreme judicatory of every country, but more particularly vested in the Court of Session, by the act empowering them to make statutes for the speedy execution of justice. This *nobile officium* must contain some magick influence, of which, like a talisman, the virtues of it are only known to the sage who prepared it. For, no definition that we have † heard of the *nobile officium*, no interpretation which the statute pled upon can bear is equal to the exertions of authority manifested by this court. A celebrated writer has supposed, that the court did not exert this ample authority ‡, nor decide upon principles of equity, till about the middle of the last century. But the passage from which he has drawn this inference, leads us, on the contrary, to conclude, that the court has proceeded in this manner from its first constitution; and that, at the time alluded to, the judges, feeling the inconveniency which attended so precarious a system of deciding, had resolved, for the future, to confine their decisions within the dictates of common law; a resolution which the natural love of power, or perhaps the recurring idea of hardships, arising to individuals from an uniform adherence to the common law, led them quickly to renounce. We are

* Unprinted acts of sed. 2d Nov. 1725. † On this head, see Aliciati op. v. 1. p. 93. sect. 39. v. 2. p. 381. sect. 12. v. 3. p. 681. sect. 53. p. 682. sect. 55. 56.; Lexicon Jurid. Calvin. in voce Nobile Officium; Corp. Jur. Civ. D. lib. 1. tit. 3. l. 12. 13. C. lib. 1. tit. 14. l. 1.: James V. parl. 7 c. 93; Introduction to Kaimes's Principles of Equity; Bankton's Institutes, in tit Jurisdiction of the Court of Session. ‡ The passage is taken from an unprinted act of sederunt, 27th November 1592, in these words: 'That, in time coming, they will judge and decide upon clauses, &c. precisely according to the words and meaning of the same.' Which is, in as many words, that, previous to this act, they had done otherwise; Principles of Equity, p. 50.

are confirmed in this opinion, by the alarming ideas of their power which Buchanan conceived*.

It has been already observed, respecting the judicative capacity of this court, that they act both as judges and jury. They are a court both of law and equity; therefore, it must necessarily happen, that they decide sometimes on the principles of the one, sometimes of the other; and as, when no invariable rule is observed, different men must frequently conceive different notions of the importance of a point of form, it happens, that the appointed forms of proceedings before the court, are sometimes adhered to, and sometimes not; so that, in a case where there is any discrepancy between law, equity, and form, it is impossible to pronounce before hand, with a high degree of probability, upon the decision of the court. There are still other circumstances which conspire to increase their latitude in giving judgment, and to render the issue of trials before them more uncertain. By the Scots law, acts of parliament may go into desuetude; so that, in bringing an action upon a statute, it comes sometimes to be debated, whether the act libelled on be in force or not. Nay, it comes frequently to be a matter of question, whether certain British statutes extend to Scotland.—Such is the importance of her representatives, and such their attention in conducting the business of parliament. If there are two or more points in a cause, sometimes the court decides the controversy by one general vote upon the matter at issue. At others, they will have as many votes upon the cause, as there are points and branches in it; so that a person

* The following passage was probably written about A. D. 1580. ‘ Ab iis, (says that celebrated historian), cum ab initio multa utiliter essent excogitata, ut jus aequabile diceretur, tamen qui sperabatur eventus non est consecutus. Nam, cum in Scotia nullae pene sint leges, praeter conventuum decreta, eaque pleraque non in perpetuum, sed in tempus facta, iudicesque, quod in se est, lationem legum impediunt, omnium civium bona quindecim hominum arbitrio sunt commissa, quibus et perpetua est potestas, et imperium plane tyrannicum, quippe quorum arbitria sola sunt pro legibus;’ Buchanani op. v. 1.

son may convince *eight judges out of eleven*, that his antagonist's * claim is ill founded, and yet that claim be sustained.

It is a misfortune attending the mode of conducting business before this court, that its multiplicity is rendered so great, as to make it impossible for the judges to do their duty, without subjecting themselves to slavish drudgery. In this court, there are a president and fourteen other judges. Each of the fourteen sits for a week alternately in the *Outer House*. The judge so sitting, is called the *Lord Ordinary*; and, except certain causes, of peculiar intricacy and importance, which can only be brought before the whole Lords, he discusses all causes that are put in the roll, during the week that he sits in judgment. These causes are seldom determined upon a single hearing, and the judge has a power of altering his own sentence as often as he inclines. Each of the Lords comes once or oftener in the week, to the Outer House, to hear pleadings, or give judgment upon those causes which came first before him when he sat as Lord Ordinary; and, upon which, many written cases, or *representations*, (as they are called), may have already been laid before him. If the parties do not acquiesce in the Lord Ordinary's judgment, which, in matters of
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* This is no figurative case, but one which actually happened within these three years, and, in effect, decided the election of knight of the shire for the county of Fife, in the present parliament. The person who was returned by the sheriff, as duly elected, had a majority by one voice, in consequence of an addition made to the roll of freeholders on the day of election. The other candidate complained to the court, that one of the persons, then admitted as a freeholder, had no qualification, and, therefore, fell to be expunged from the roll, and that for two reasons then alledged. Out of eleven judges, who were then on the bench, eight declared their opinion, that the qualification *was bad*, five, in respect of the one objection urged for the plaintiff, and three, in respect of the other. One judge spoke in favour of the defendant, and two were silent. The defendant's counsel insisted, that the objections to the qualification should be voted separately. It was done so accordingly; and the first was over-ruled by eight to three, the second, by six to five; and thus the qualification was sustained, while, out of eleven judges, eight thought it bad. Upon this occasion, there was another circumstance concerning the judgment of the court yet more extraordinary; but we do not chuse to repeat it; Decisions, of the Court of Session; Henderson against Dalrymple, 7th March; and petition for Mr Henderson, 8th March 1776.

any importance, is always the case, application is made for altering the sentence, by a printed petition, which is presented before the whole Lords. Besides petitions, various printed papers are produced, under the titles of state, case, proof, information, answers, replies, and duplies; yet, notwithstanding these voluminous papers, the Lords will often hear pleadings in the same cause, and these commonly very prolix, often taking up the court a whole week, sometimes three weeks. Considering the copiousness of the printed papers which are laid before the judges, to have both these, and pleadings in the same cause, we apprehend to be, in general, superfluous, and to be a great waste of time: For it must be observed, that every judge, besides his business as Lord Ordinary, as one of *the fifteen* has to review all the decisions complained upon, that have been pronounced by the other thirteen ordinary judges.

The salaries of the Lords of Council and Session (for that is their title) is small when compared to their trouble and their rank. That of the Lord President used to be L. 1300 a-year; but, in the year 1769, an addition of L. 300 was made, during the life of the present Lord President, and it will probably be continued to his successors in office. The other judges, as Lords of Session, have a salary of L. 750. One of them, as *Lord Justice Clerk* *, has L. 500 more, and five of the other judges have L. 200 each, as *Lords Commissioners of Justiciary*, besides a sum equivalent to paying their expences, when going the circuits. The Lord Advocate, an officer similar to the Attorney General in England, but with much higher powers, has a salary of L. 1000; the Solicitor General of L. 400; and four of his Majesty's advocate's-depute, of L. 100 each. There are six principal clerks of session, whose offices are worth from L. 400 to L. 500 each, besides as many depute-clerks, and other inferior officers.

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* i. e. President of the Court of Justiciary, in absence of the Lord Justice General.

OF THE COURT OF JUSTICIARY.

It has been already explained, that the *Justice-ayre*, or Court of Justiciary, was the supreme court, civil as well as criminal, over the barons, and those residing within their domains. After the original Court of Session was instituted, it still retained its civil jurisdiction; but, upon the erection of the College of Justice, the authority of the Court of Justiciary was restricted to criminal affairs. The judges were the Lord Justice General, Justice Clerk, and certain assessors added to them by the Privy Council, who were chosen from among persons not versant in the laws, and whose commissions only lasted during the particular trials upon which they were appointed to preside. A constitution * so highly improper, was altered by Charles II. and the court modelled into its present form. It now consists of the Lord Justice General, who is always a peer of the most distinguished rank or influence, the Lord Justice Clerk, and five Commissioners of Justiciary, who are also Lords of Session. The office of Lord Justice General, bears a similar relation, in the Court of Justiciary, to that of one of the extraordinary Lords formerly in the Court of Session, and, like these too, ought to be abolished †.

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* Charles II. parl. 2. sess. 3. c. 16.

† We apprehend there was no system of liberty in Scotland till the union. Since that, we know but of three trials in which the Lord Justice General presided. They were all political. In all of them, government exerted itself to make the prisoners objects of exemplary punishment. The first was that of the Glasgow rioters; and in it, the Lord Justice General entered his dissent and protest against the opinion of the ordinary judges, in finding that the rioters were not subject to a capital punishment. The second was that of Provost Stewart already mentioned. The third was that of James Stewart of Aucharn, for the murder of Campbell of Glenure, the only trial that we know of, in which a Lord Justice General, and Lord Advocate, condescended to go upon a circuit. A trial, in which government was supposed to have exerted its utmost influence to procure a conviction of the prisoner; and in which, upon his conviction, the Lord Justice General addressed him in a most insulting speech; a speech, which, far from being expressive of generosity and compassion, breathed an ardent spirit of political hatred and resentment. Rec. of Just. 4th Oct. 1725.; Printed trial of James Stewart of Aucharn, A. D. 1753.

The Court of Justiciary has a supreme jurisdiction in criminal affairs. The decrees of sheriffs, and other inferior criminal courts, as well as those of the Court of Admiralty, are liable to its review. It has been doubted, how far the decrees of the Court of Justiciary itself, are subject to the review of the House of Lords. This is a matter of great importance; and, in so far as may be consistent with the deference due to the respectable persons who entertain opposite notions, we deliver our opinion without diffidence or reserve, ‘*That an appeal lies from the Court of Justiciary to the House of Lords.*’

The decrees of the antient court of King’s Justiciary, or Justice-ayre, from which the present court has, after several changes, been modelled, were subject to the review of parliament. That court took cognizance of causes both civil and criminal, *and these too by jury*. After the institution of the College of Justice, when the King’s Justiciary no longer meddled with civil causes, we find * King James V. taking the opinion of parliament, upon a criminal trial, depending before that judge. Even since the erection of the court into its present form, frequent instances of the reversal of sentences of † *forfeiture* occur in the parliamentary proceedings. But further, an appeal from the Court of Justiciary was actually received by the House of Lords, A. D. 1713 ‡, and the judgement of that court reversed. In a late case, where a petition of appeal, presented from that court, was dismissed, it was only found, ‘That the said petition || and appeal, was not properly brought;’ nothing was decided respecting the general point.

The stress which is laid upon no instances of appeal being to be found from the Court of Justiciary, as presently modelled, to the Scots parliament, is over-balanced by other considerations; besides, it is easy to explain why there were none. Appeals from the supreme civil court were not admitted after the institution of the Col-

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* James V. parl. 6. c. 69.
p. 276.

† i. e. conviction of high treason.

‡ Law Tracts,

|| Maclaurin’s cases, p. 581.

lege of Justice, down till the revolution. In that period of a hundred and fifty years, appeals from the Court of Session were only thrice attempted, and each attempt was rejected: Therefore, by a parity of circumstances, people would be led to acquiesce in the sentences of the supreme criminal court. Besides, the Court of Justiciary was very submissive to government, its decrees were engines of oppression, the court used often to remit the jury, ordering them to amend their verdict. Now, it was in vain to think of obtaining relief from parliament, against an iniquitous sentence of that court, if procured by the influence of the crown; because, the Lords of articles might put a negative upon hearing of the cause; and, if the Lords of articles failed to do it, the King's commissioner might himself do it. Further, the Privy Council, which was, indeed, a most tyrannical court, used to interfere with the sentences of the Court of Justiciary, sometimes by mitigating them, sometimes by remitting the punishment entirely, and at others, by ordering no sentence to pass upon the verdict of the jury: Nay, there is an instance of the Court of Session suspending and reviewing a decree of the Lord Justice General, although it was * expressly pled, that he was supreme in criminal affairs; and, therefore, the jurisdiction of the court declined.

Every argument which can be drawn from analogy, or from the foundation of appeals, favours our hypothesis of an appeal lying from the Court of Justiciary. The decrees of the Courts of Session and Exchequer, in short, of every supreme court in Britain, are subject to the review of the House of Lords. It would require then, some very express law to exempt the Court of Justiciary from a jurisdiction to which all other courts of the same rank in the nation are subjected. The foundation of all appeals seems to be, that a superior and supreme court is both possessed of higher wisdom, and not exposed to that undue influence which may be supposed to have operated in an inferior court; and that, as all inferior courts are limited

* Stair's decisions, 16th December 1664, Innes.

mitted in their jurisdiction, either in respect of territory, or of the causes brought before them; such as civil, criminal, maritime, &c. a challenge is competent, that the court which pronounced the decree, had no jurisdiction. We hold, therefore, that the decrees of every court, which has not an universal jurisdiction, must be subject to review. We have already remarked a case in which the Court of Session suspended and reviewed a decree of the Court of Justiciary. Let it be supposed, that the latter had insisted upon its judgment being enforced, and that no obedience was due to the interdict of the Court of Session, (which it appears would have been well founded), there would have been no possibility of deciding upon the pretensions of the courts, but by appeal to the House of Lords.

An appeal must be founded, either upon a court having exceeded its jurisdiction, upon some informality in the proceedings; or, upon wrong being committed by some false finding in law or in fact. Now, in all of these, the last excepted, ground of appeal *may* be given by the Court of Justiciary: Nay, in one of the cases already noticed, that of Macdonald of Barisdale, the only trial before that court, for high treason, since the accession of the House of Hanover, the court not only decided without a jury, but also refused the prisoner a proof of facts, which, if he had made good, we apprehend no jury in the nation would have convicted him.

It cannot be, upon the head of trials before this court, being taken by jury, that it is argued appeals should be refused; for this, in England, would tend to exclude almost every appeal: Besides, the Court of Justiciary is in use to review the sentences of other courts, such as those of sheriffs and of the* Admiralty, which have proceeded

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upon

* MacLaurin's cases, p. 75. 80. In one of the cases alluded to, the Judge-admiral sentenced two men to be hanged. The convicts applied to the Lords of Justiciary for a review of the sentence. The court, accordingly, pronounced an interdict. The Judge-admiral was of opinion, that the court had no jurisdiction; and, notwithstanding the interdict, issued orders to the magistrates of Edinburgh to put the sentence in execution; but the magistrates did not think proper to yield obedience.

upon the verdict of a jury. And further, the sentences are often not supported by the verdict of a jury; for instance, when the verdict returned is special, and consequently the guilt is fixed by the court; when there is any informality in the proceedings of the jury, which ought to vitiate and annul their verdict; or, when the court proceeds to judge altogether without jury. If the case of Drummond the printer is to be made a precedent, and any pamphlet, offensive to government, should make its appearance, there is nothing to hinder the Lord Advocate from libelling the supposed author or printer before the Court of Justiciary, nor to prevent that court from convicting the prisoner without a jury, and finding him liable in pecuniary penalties, or sentencing him to pillory and banishment.

It cannot be on account of the want of importance of the causes tried before this court, that it is pretended no appeal lies from it; for what so sacred, as life, honour, property, and posterity? Neither can it be upon the infallibility of the judges, either real or supposed; for, if it is supposeable, that the judgment of a majority of the Court of Session may be erroneous, surely that of any single* judge in the number may be so: And, within a period of three years, in a matter of life and death, the judgments of the Court of Justiciary at Edinburgh, and †

* The judges of justiciary must all be Lords of Session. Any one Lord of Justiciary can hold a circuit court; and it has been found by a late decision, that the judgment of the circuit courts are not liable to be reviewed by the Court of Justiciary. Records of justiciary, 11th July 1763.

† In the case of Janet Ronald, indicted A. D. 1763, for poisoning her sister, one of the jurymen fell suddenly ill, and the trial was adjourned. Next morning, the jury were inclosed, and returned a verdict, finding the prisoner guilty. But, upon its being pled in arrest of judgment, that the verdict was null, and that no sentence could pass upon it, in consequence of the jury not having been constantly kept together from the beginning to take the evidence, till they had pronounced a verdict, the court dismissed the prisoner from the bar. But, in the case of Helen and William Keith, indicted for parricide before the circuit court at Aberdeen A. D. 1766, a case in which the evidence was so lame, that, although it created a presumption, it afforded no legal proof of guilt, one of the jurymen went out of court into the open streets; yet the single judge who was on the trial, notwithstanding

of the Circuit Court at Aberdeen, in similar cases, were directly opposite.

There is still an additional reason why appeals should lie from the Court of Justiciary. There is no determined system of criminal jurisprudence in Scotland. It is a matter of doubt what is a crime in the eye of her law, and what not, also what is the punishment annexed

withstanding the precedent, and also an act of parliament, over-ruled the objection, and condemned the prisoners: But his Majesty granted them a pardon.

But, further, not to compare the decrees of the justiciary with those of the circuit, but those of the justiciary with each other, it was found, A. D. 1754, in the case of Robert Lyle, who was convicted of theft and house-breaking, that two jurymen, going out of the court-house, in the midst of the trial, to the distance of about fifty yards, where they got a refreshment of wine and biscuit; and two more of the jurymen going to a tavern about the like distance, and there joining a company, drinking ale and punch with them, and chaffering about the lease of a farm, did not vitiate the proceedings. The case of Janet Ronald is mentioned above. *Now, from these, it follows incontrovertibly, either that, in A. D. 1754, a person, convicted of theft, suffered death, in consequence of an illegal sentence of the Court of Justiciary; or, that in 1763, a woman, convicted of poisoning her sister, was acquitted, by an illegal sentence of the same tribunal.* And, in the case of William Wood, tried at the circuit court of Jedburgh, 27th May 1776, for entering a house, and stealing some pieces of cloth out of an open chest, when the clerk of court was going to inclose the jury in the usual manner, as the acts directed, James VI. parl. 11. c. 91.; Charles II. parl. 2. sess. 3. c. 16. the judge told them, ‘ That the case was clear; that there was no necessity for inclosing ‘ at all; and that Mr ****, (naming one of the jury), was a proper person to be their ‘ foreman.’ Not only were his Lordship’s directions obeyed, but the jury, after making out a verdict, finding the prisoner guilty, *showed it to the counsel for the prosecutor, and asked his opinion if it was a proper verdict.* Although, on these accounts, the verdict, beyond dispute, was null, the judge pronounced sentence of transportation for life against the prisoner, and also adjudged him to slavery for three years. In this case, a remedy was attempted, by a bill of suspension, or application for an interdict, presented to the Court of Justiciary. Not only, for the reasons already mentioned, but because the sentence of transportation to the Colonies could not take place, as they were in a state of rebellion, and that, if he was confined till an opportunity should occur, of transporting him thither, his sentence might turn out to be perpetual imprisonment. But no relief could be granted; for it was found incompetent to bring the sentence of a single judge upon a circuit under the review of the whole Lords. In this, as in the case of Keith, his Majesty extended the royal mercy; Records of justiciary, 20th December 1753, 18th January 1754, 11th July 1763, 4th February 1777; Printed trial of Helen Watt and William Keith, 1766.

annexed *. The libels conclude, that the prisoner, upon being convicted, ought to be punished with *the pains of law*. Before an indictment goes to proof, it is always ascertained, indeed, whether a capital sentence can follow upon conviction; but, in cases not capital, the degree of punishment to be inflicted generally remains at the discretion of the court. The indictments are sometimes laid upon the statute law, sometimes on the civil, sometimes on the Levitical. The Scots statute-book is full of unrepealed laws, absurd, tyrannical, and oppressive; and, (as has been already observed), it becomes a matter of debate, whether they are gone into desuetude. There is no professed treatise on the criminal law of Scotland, that either is, or ought to be considered as an established authority. Now, in these circumstances, to exclude all remedy by appeal, against the sentences of this court, much more of a single judge upon a circuit, would, in our opinion, be to prevent redress of those wrongs, which, from the frailty or depravity of mankind, may be committed in the dispensing of justice.

In a country where such anxiety has been shown to guard against oppression from the crown, it surely will not be said, that the liberty of petitioning for royal mercy is a sufficient remedy against iniquity. Alas! although we live at present under a mild and gracious Prince, it must not be forgotten, that, from the influence of the crown, the chief danger is to be dreaded. ‘Can a man, † (as is well said by a writer on this subject), expect justice from his party, or ‘mercy from his enemy?’ Nay, although the royal mercy be extended, the reparation is not adequate to the injury. A royal pardon may, indeed, heal the wound, but it cannot remove the scar. We approach the throne, the humble suppliants for favour; but, before a court of law, we are entitled boldly to demand justice.

In

* In the case of the Glasgow rioters, A. D. 1725, the Lord Justice General entered a protest against the judgment of the court, in finding, that certain parts of the indictment did not infer a capital punishment.

† Maclaurin’s cases, p. 594.

In a late case, it has been, with great propriety, established as law, that an appeal cannot be received against an interlocutory sentence * of the Court of Justiciary; because, otherwise causes might be protracted unmeasurably. But we can perceive no alarming consequences from appealing against a definitive sentence. The vanity of challenging a decree, proceeding upon a clear point of law, and regular verdict of a jury, will be perceived. Although it should not operate upon every occasion, it cannot be supposed that the House of Lords will receive appeals promiscuously; and, at all events, the appeal may † be discussed before there is a possibility of executing

* MacLaurin's cases, p. 523.

† By act 11. George I. c. 26. in Scotland, no sentence of death, or corporal punishment, can, on the south side of the Forth, be put in execution in less than thirty, and on the north, than forty days.

After the decisions of the Court of Justiciary mentioned above, it must be confessed, that this statute, retarding executions, has not been unattended with good consequences. It was enacted, however, upon an occasion sufficiently humiliating for the country. After the accession of the house of Hanover, the northern counties of Scotland were reckoned to be exceedingly disaffected to government. Numerous bodies of the military were quartered among them, to check and overawe them. As the officers looked upon the inhabitants as enemies to their King, these military gentlemen indulged themselves in an insolence of demeanour, now rarely to be met with among that respectable body; and, when their irregularities were even of such a nature as to fall within the cognizance of the law, it was thought proper to connive at them, or to suspend its execution. In A. D. 1723, an officer went into a dancing-school at Perth, and used indecent familiarities with a young girl. The dancing-master, resenting the insult to his pupil with equal spirit and propriety, seized the officer by the neck, and turned him out of the room; and, as the officer was muttering vengeance, the dancing-master assured him, that, should they happen to meet, he would not find him unprovided with a sword. In a few days, accordingly, they met by accident; the officer drew, the dancing-master drew also. He parried the thrusts of the former, and could, (it is said), easily have put him to death. But a serjeant, who attended the officer, came behind the dancing-master, and pinioned him, upon which the officer run him through the body, and he died upon the spot. The publick were enraged at so foul a murder; they were bent on vengeance; they foresaw an interposition of the crown, and were resolved to prevent it. The Provost of Perth sat in judgment upon the officer. He was convicted by a jury; and was sentenced to be hanged within three suns. He despatched an express to London, applying for a pardon, which was granted; but he was hanged ere

executing the criminal. Thus, by admitting of appeals, we are entitled to maintain, that a remedy will be provided against the violation of the most sacred rights of mankind, till some one shall step forth bold enough to aver, that, from the history of this court, and from the study of human nature, ‘no sentence of the court, or
‘of any single Lord of Justiciary, ever has been, or will be founded on error, caprice, or corruption.’

As civil actions of peculiar intricacy and importance, could only be tried before the Court of Session; so antiently, the crimes of rape, robbery, murder, and wilfull fire-raising, which were called *the four pleas of the crown*, could only be tried before the Court of Justiciary. The Court, however, has not, for a long period, possessed such exclusive jurisdiction; treason being now, perhaps, the only crime which can be tried before the Court of Justiciary alone. In trials before this court, the prisoners enjoy many favourable circumstances. They are always served before-hand with a list of the witnesses to be adduced against them; and, in capital trials, the evidence must be all reduced into writing. But there is no necessity for the jury being unanimous, the verdict of a bare majority of *the fifteen* is fully sufficient. If the prisoner be indigent, counsel are always appointed for him, and they are indulged in a liberty, which they take too often, of being extremely prolix and trifling in their pleadings upon the relevancy of the indictment. Thus, from the trials before the Court of Justiciary, and those we have seen at the Old Bailey, although, in both, they appear very fair, yet their manner is extremely opposite. In the latter, they are conducted with plain sense, candour, and expedition; nothing essential rejected, nothing superfluous admitted: But, in the former, a great deal of wrangling is admitted; so that, together with the evidences being taken down in writing, the trials are spun out to an immoderate length. A trial is rarely finished in less than a day; they

the pardon arrived; upon which the act already mentioned was passed. Although the view of the legislature was to prevent the law from laying hold on the friends of government; yet, in effect, it has been the means of saving the lives of subjects, when affected by absurd and iniquitous judgments, in violation of law.

they will often take up forty-eight hours ; and, upon one occasion, the trial lasted ninety-four hours *.

Before this court, the counsel for the prisoner is entitled, by act of parliament, to sum up the evidence in his behalf, and to be the last speaker, except in trials for high treason ; and the address, or *charge*, (as it is called), to the jury by the Lord Advocate, or other counsel for the publick prosecutor, is always delivered with the utmost candour. But a notion some how prevails, that the Lords of Justiciary are generally inclined to be unfavourable towards the prisoner ; and, in fact, they do frequently address the jury after the † counsel for the prisoner has finished.

OF THE COURT OF EXCHEQUER.

The Court of Exchequer is one of the three supreme courts in Scotland. Antiently it consisted of the Lord Treasurer, Treasurer-depute, and as many Barons of Exchequer as the King thought proper to appoint. By an article of union, it was declared, that this court should be new modelled into a revenue-court by parliament. Accordingly, by its new constitution, it consists of the Lord High Treasurer of Great Britain, a Lord Chief Baron, and four other Barons. These may be chosen either from among the serjeants at law, English ‡ barristers, or Scots advocates. Any may plead before this court, who are entitled to practise as counsel in Westminster-hall, or in the Court of Session, and the members enjoy the privilege of the College of Justice.

This court, in most respects, decides according to the forms and laws of England. The mode of trial is by jury, and appeals from this court to the House of Lords are competent. Its jurisdiction re-

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lates

* That of Provost Stewart.

† In a trial before the Circuit Court at Perth, A. D. 1774, (it was only, indeed, a matter of *adjudging to slavery for seven years, and transportation for life*), we were witness to the judge, after the counsel for the prisoner had finished his argument, addressing the jury, mustering up *only* the evidence against the prisoner, taking to pieces the argument made by his counsel in his behalf, and declaring, (although the proof was by no means direct), that he could not suffer himself to entertain a notion that the jury would acquit the prisoner.

‡ An. 6. Annæ c. 26.

lates chiefly to duties of customs and excise, and all other matters concerning the King's revenue, either by virtue of his royal prerogative, or otherwise. But it is provided, that no debt due to the crown, shall affect the debtor's real estate, in any other shape than it could have been affected by the law of Scotland; and, that the validity of the crown's titles to honours, lands, or casual revenues, shall be tried as formerly by the Court of Session. The Court of Exchequer has also the power of examining and passing all accompts of sheriffs, and other officers employed in collecting the royal revenues, and likewise of inspecting the accompts of magistrates of royal boroughs. The Lord Chief Baron has a salary of L. 2000 a year, one of the other judges of L. 1200, a third of L. 700, and the remaining two of L. 750 each.

OF THE HIGH COURT OF ADMIRALTY.

The office of Lord High Admiral of Scotland is very antient, as well as the Court of Admiralty; but the form of their proceedings of old is not much known, as most of their antient records are lost.

The Lord High Admiral was, before the union, his Majesty's Lieutenant and Justice General upon the seas, and in all creeks, harbours, and navigable rivers beneath the first bridge. He exercised his jurisdiction by deputies, the Judge of * the High Court of Admiralty, and the judges of inferior admiral courts in the different districts. By an article of the union, the jurisdiction of the Admiralty is said to be under the Lord High Admiral of Great Britain; but this surely does not infer jurisdiction in a judicial capacity; for the decrees of the Court of Admiralty are, in civil causes, subject to the review of the Court of Session, in criminal, to that of Justiciary.

The Judge of the High Court of Admiralty is appointed by the Lord vice Admiral of Scotland, an officer of state nominated by the crown; and those of the inferior courts are in the nomination of the judge of the High Court. They have a jurisdiction in all maritime

* James VI. parl. 12. c. 15.; Charles II. parl. 3. c. 16.; Ann, parl. 1. sess. 4. c. 7. § 19.

maritime causes, civil or criminal. By prescription alone, the High Court has acquired a jurisdiction in mercantile causes, nowise maritime. The inferior courts imitate the example, although their jurisdiction is disavowed by law in all causes, but those strictly maritime, and most properly; for the judges of the inferior courts of Admiralty are, by station and learning, less qualified to act as judges, than those of any court in the nation.

OF THE COMMISSARY COURT.

The Commissary Court of Edinburgh, like that of Admiralty, is, in some respects, supreme, in some inferior. It can review the sentences of all other Commissary courts; but its own decrees are subject to the review of the Court of Session. The Commissary Court of Edinburgh has a double jurisdiction, ordinary and universal. Its ordinary jurisdiction extends over its own district; that is, Edinburgh, and the four adjacent counties on the south side of the Forth. Its nature is to confirm testaments, to ascertain debts contracted by persons deceased, and give decree for payment of them; especially, if the debts relate to the last illness of the deceased, his funeral charges, or obligations arising either from testaments, or from the ties of nature supported by law, requiring alimony out of the effects of the deceased; to decide in all actions of scandal; and, in general, upon all debts not exceeding L. 40. By its universal jurisdiction, it reviews the decrees of other commissary courts, and takes cognizance of all actions to prove a marriage, to procure a divorce, &c.

This court was * instituted by Queen Mary, and is the general consistorial court for Scotland. There are four judges nominated by the crown. They are chosen from among the Faculty of Advocates, and it is proper they should be so, for the judges have frequently to decide upon the principles of the civil and canon laws. It is certainly a great impropriety attending the constitution of this

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court,

* Balfour's practicks, p. 670.; Erskine's Inst. p. 81.

court, that the salaries, or to speak more properly, perquisites of the judges, are paid by the litigants before it. This is not only an oppression upon the subjects, but may lead to a very interested conduct on the part of the judges, who have a power of declaring how much the litigants shall pay for the sentence the judges pronounce. Four hundred pounds a year is equal to the piteous emoluments of the whole four judges. It ought certainly to be paid out of the public revenues; and should, indeed, be augmented, for their present emoluments are, by no means, an adequate recompense for their trouble.

OF THE LYON COURT.

The *Lord Lyon King at Arms*, is an officer of high rank and antiquity. His office and station in Scotland are similar to that of Garter King at Arms in England. At the coronation of his present Majesty, the Lord Lyon, and Garter Kings at arms, walked abreast immediately preceding the Lord Great Chamberlain of England. Of old, the Lord Lyon was employed in carrying public messages to foreign states, and it is still his province to assist at declaring war, proclaiming peace, &c. He derives his name from the lion rampant, which he bears on his variegated robes, the armorial bearing of the Scottish kings. He was antiently installed into his office with the ceremony of a coronation. The last person who underwent this ceremony, was Sir Alexander Erskine of Cambo. After many solemnities, the crown was put upon his head at the palace * of Holyroodhouse, by the unfortunate James VII. then Duke of York.

The officers serving under the Lord Lyon, are heralds, pursuivants, and messengers at arms. It is the business of the last of these to execute all summonses before the Court of Session, to apprehend the person of debtors, and, in general, to perform the executive parts of the law. It is the province of the Lord Lyon, to adjust matters

* See the form of the Lord Lyon's coronation, in appendix No. 10.

matters of precedence; to marshall persons walking in publick procession*; to inspect the coats of arms of the nobility and gentry; to punish those who assume arms not their due; to bestow coats of arms upon persons deserving; to grant supporters to Peers, or other persons of distinguished rank; and to take cognizance of, and punish offences committed by messengers at arms, in the course of their office.

Upwards of a hundred years ago, it happened the records of the Lyon-office to be burned; upon which an act of parliament was made, ordaining all the nobility and gentry of Scotland, to register their armorial bearings in the books of the Lord Lyon, under pain of the confiscation of all plate, carriages, &c. upon which arms not regularly entered should be depicted. The office of Lord Lyon has, of late, been held as a sinecure, in so much that it has not been thought necessary, that this officer should reside in, or ever visit the nation. The business, therefore, is entirely committed to deputies, who manage it in such a manner, that, in a country where pedigree is the best ascertained of any in the world, the national record of armorial bearings, and memoirs concerning the respective families inserted along with them, are far from being the pure repository of truth. Indeed, there have of late been instances of genealogies inrolled in the books of the Lyon Court, and coats of arms, with supporters, and other marks of distinction, being bestowed in such a manner as to throw a ridicule upon the science of heraldry.

OF THE SHERIFF COURT.

As the nation is divided into counties or shires, the sheriff was antiently the King's lieutenant, within his particular district, and enjoyed an extensive jurisdiction, civil and criminal. Of old, the sheriff reviewed the decrees of the baron-courts within his territories. He mustered those military companies, or bodies of militia, whose

* James VI. parl. 12. c. 125.; Charles II. parl. 2. sess. 3. c. 21.

whose exercises were known by the name of *weapon-shawings*. He received, and still continues to receive, from the collectors within his district, the royal revenues, which he pays into the Exchequer. He summons a jury of forty-five persons, out of * whom the Court of Justiciary selects fifteen, to sit upon trials held before them. He returns, as member of parliament for the county, the person having a majority of suffrages upon the roll of freeholders. He establishes, by the assistance of a jury, the *fiars*, or rates which must be paid for grain that ought to be delivered, when no precise price is stipulated. He has a civil jurisdiction, which, however, does not extend to a contest for the property of a landed estate; and a criminal one, in cases of theft, and other crimes of lesser moment.

The office of sheriff was, of old, in many instances hereditary. But, since the late rebellion, this, and all other offices possessing any important heritable jurisdiction, were either dissolved, or resumed and annexed to the crown, (the jurisdiction of the magistrates of royal boroughs being still reserved entire.) The office is now exercised by a judge, called the † *sheriff-depute*, and by his substitutes. The sheriff-depute is appointed by the crown; he must be a member of the Faculty of Advocates of at least three years standing.

OF THE JUSTICE OF PEACE COURT.

Very little business is transacted before the justice of peace court held at Edinburgh, as most of the causes commonly brought before justices of the peace are, in Edinburgh, brought either before the magistrates, or the sheriff of the county.

That office is in Scotland of no earlier institution than A. D. 1609. At that period, the King was authorised to name ‡ commissioners, for binding over disorderly persons to appear before the Justiciary, or privy council. By subsequent acts, justices of the peace were
impowered

* Skene de verborum sig. in voce *Sheriff*.

† An. 20. Geo. 2 c. 43.

‡ James VI. parl. 20. c. 7.

impowered to judge in riots, and breaches of the peace; to regulate high-ways, bridges, and ferries, and determine matters concerning them; in which last, however, the commissioners of supply are joined with them. They have also authority to execute the laws against beggars and vagrants; to punish the offenders against sundry penal laws; to judge upon transgressions of the game-laws, and concerning certain frauds committed against the duties of customs and excise; and likewise, to fix the rate, and ordain payment of servants wages, besides various other branches of jurisdiction; but, in general, the powers of justices of the peace are not so well understood, nor so accurately * defined in Scotland, as in England.

OF THE JURISDICTION OF THE MAGISTRATES OF EDINBURGH.

Besides the courts already mentioned, there are many others held in Edinburgh by the magistrates, or those appointed by them. The magistrates of Edinburgh are vested with ample powers, and an extensive jurisdiction; a jurisdiction which they formerly exercised in a latitude not to be paralleled but in a despotick monarchy; a latitude which has never been circumscribed by positive law, but alone by the imperceptible operation of the prevailing principles of liberty.

The citizens of Edinburgh had rescued James III. from imprisonment in Edinburgh castle, where he had been confined by his rebellious subjects. In consequence of this, they enjoyed a degree of favour with that monarch, which induced him to bestow upon them very † ample privileges. These were, from time to time, enhanced by grants from successive Sovereigns, till they amounted to an intolerable acquisition of power. By one paragraph in one charter, they

* On this head, see Erskine's Instit. p. 58.; Bankton's Inst. b. 4. tit. 17.; Burn's justice of the peace; Lambard's *Eirenarcha*; Blackstone's Commentaries, v. 1. p. 349. v. 4. p. 278.

† City cart. of Edinburgh, v. 1. p. 33. 16th November 1482.; Golden charter, 15th March 1603.

they were vested with legislative, judicative, and executive authority. They were impowered to make statutes for the good government of the town, to which they gave so extensive an interpretation, as to enact any thing that seemed good to them. As judges, they tried offences against laws of their own making; and, as executive magistrates, they saw their own sentences put into execution. It is not the nature of man, when vested with extravagant authority, not to be guilty of its abuse. By one of their earliest edicts, those who were guilty of hearing mass, or of fornication, were subjected to pillory, burning in the cheek, and banishment from the city; but, for the third * offence, to *death*. By another regulation, they ordained, that young women, who, as daughters of burghesses, were entitled to the freedom of the city, if they did not enjoy an unspotted fame at the time of their marriage, they should forfeit the freedom of the city, both for themselves and their husbands. By a third, that such young men as having finished their apprenticeship, should marry the daughter of a freeman, should be admitted members of the guild; but, if they married the daughter of any other person, or did not marry at † all, they should not be received into that fraternity, till they had undergone an additional servitude of eight years.

They have been in use to erect bodies-corporate within the city, with powers of holding property, and of suing, and being sued, a custom which has become so inveterate, as now to be incapable of challenge, or of being eradicated but by an act of the legislature. They have granted monopolies of all sorts. To one, they gave an exclusive privilege of keeping stage-coaches ‡, to run between Edinburgh and Leith; to another, of keeping chaises for hire; to a third, of printing news-papers on certain days of the week; to a fourth,

* Council reg. v. 3. p. 37. v. 6. p. 9. 180. † This regulation had probably been suggested to them by conceiving some ridiculous analogy to the story of Jacob and the daughters of Laban, Genesis, c. 29. ‡ Council reg. v. 37. p. 214. v. 39. 10th 17th August 1709, v. 49. 28th March 1722, v. 66. 20th May 1747.

fourth, of printing burial-letters ; to a fifth, of japanning ; besides many others.

The Lord Provost of Edinburgh is high sheriff, coroner, and admiral, within the city and liberties, and the town, harbour, and road of Leith ; and has a jurisdiction in matters of life and death. He was an officer of the Scottish parliament, is preses of the convention of royal boroughs, colonel of the trained bands, commander of the City-guard, and of Edinburgh jail. Within the city, he has precedency of all the nobility and great officers of state, upon all occasions, walking on the right hand of the King, or of his Majesty's commissioner * ; and has the privilege of having a sword and mace borne before him. The magistrates are justices of the peace, and sheriffs-depute ; and the town-council are patrons of all the churches in Edinburgh, patrons of the University, and electors of the city's representative in parliament ; and have the right of presenting to all offices of trust, honour, or emolument, depending upon the city.

The Lord Provost and magistrates have one or other of them an extensive civil, but still more ample criminal jurisdiction. The courts held by them are, the criminal court, the bailie court, the ten mark court, and the dean of guild court.

OF THE CRIMINAL COURT OF EDINBURGH.

Of old, the proceedings in the criminal courts of Scotland, even in that of Justiciary, were very irregular, and the records of them indistinctly preserved. This has been, in a peculiar manner, the case with the criminal court of Edinburgh. Sometimes its proceedings were recorded amidst the city's ordinary affairs in the town-council register. For the most part, they were not recorded at all. It was only in the end of the last century that a separate book was

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begun

* See the ceremony observed at the funeral of a Lord Provost of Edinburgh in Appendix, No. XI.

begun to be kept for the criminal transactions; and, even since that, the proceedings commonly have not been entered, but in trials that inferred a capital punishment. Agreeably to the informality natural to rude times, the judges who sat in this court were various. Sometimes one of the bailies of Edinburgh, with the resident * bailie, sat in judgment. Sometimes the Lord Provost sat, with assessors appointed by the parliament. But, of late, the most common, and, we apprehend, most approved way of judging, was by the Lord Provost, assisted by the city-assessors †.

The jurisdiction of the Lord Provost of Edinburgh, and of the bailies, who are considered as his deputies, extends to crimes of whatever nature or magnitude committed within the city or liberties, treason excepted. The words of the charter bestowing this authority upon them are express ‡: ‘ To be judges in all crimes; and to punish offenders or criminals by death, banishment, or other punishment, according to their several transgressions, and the laws of our kingdom.’ The usage has been correspondent. It has been already observed, that no separate record of the transactions of the criminal court of Edinburgh was kept till the end of the last century. In A. D. 1514, a man was tried in this court for murder, and acquitted. In 1601, a man was tried in Leith before one of the bailies, and the resident bailie, for stealing a quantity of grain, by the means of false keys, and was sentenced to have his hands tied behind his back, to be instantly carried out to Leith road, and there to be drowned. On the first of April 1689, John Chislie of Dalry ‖ was

* The resident bailie is a person residing in one of the districts depending on the city. He is no member of the town-council, but is appointed to act within a particular district, as judge-depute of the magistrates.

† See, in Appendix No. XII. a trial, in which

it is difficult to say who sat as judges. ‡ Golden charter in archives of the city of Edinburgh, 15th March 1603; Maitland's history, p. 252. 253.

‖ Council reg. v. 1. p. 6.; Inventory to city cart. v. 2. p. 512.; Criminal register of Edinburgh; 1st April 1689, 6th November 1690, 1st 12th September 1691, 20th January 1702, 12th January, 19th October 1730, 3d November 1732, 17th August 1733, 12th April 1742, 15th December 1743, 21st January 1754, 16th December 1762; Records of Justiciary, 27th November 1747.

was tried for the murder of Sir George Lockhart, Lord President of the Court of Session, committed on the day before, was put to the torture, to discover his accomplices, by *authority of parliament* was condemned, and, agreeably to his sentence, was, on the 3d of April, taken to the cross of Edinburgh, his right hand cut off alive, and fixed on the West-port, himself hanged, and his body hung in chains. Trials for murder have also been held before this court in the years 1690, 1691, 1700, 1702, 1732, and 1733. But, in this last case, the prisoner declined the jurisdiction of the court, on this head, that he was not apprehended, nor served with an indictment within forty days from the alledged commission of the crime. The Lord Provost sustained the defence of the incompetency of his jurisdiction, in which he appears to have been abundantly scrupulous.

Besides, in the crime of murder, the jurisdiction of this court has been sustained in the *crimen violati sepulchri*, or that of lifting dead bodies from the grave; in those of theft, house-breaking, using of false keys, forgery, saying of mass, celebrating irregular marriages, *curfing the House of Hanover*, concealing the discovery of hidden treasure, and of publishing defamatory libels.

OF THE BAILIE COURT.

The Bailie-court is commonly held by one of the four bailies, who sit each of them for three months, for the despatch of business. In this court, actions (in which an inhabitant of Edinburgh is defender) are competent, that can be tried before sheriffs-depute, or justices of the peace. Frauds against the city's revenue are commonly tried in this court. It has also a power of valuing* and selling ruinous houses within borough, in order that they may be rebuilt, in case the proprietor shall refuse to rebuild or repair them. In difficult cases, the judge consults one of the city's assessors: For the city has always two assessors extraordinary, his Majesty's Advocate

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and

* Erskine's Institutes, p. 62.

and Solicitor, and four ordinary assessors, who are members of the Faculty of Advocates.

OF THE TEN MARK COURT.

The intention of this court is, that justice should be distributed with despatch to poor persons, and in trifling causes. It is called the *Ten mark court*; because that, or eleven shillings one penny two thirds, is the highest sum for which any action can be brought before it, except those for servants wages, which may be tried to any amount. This court, in which one of the bailies is judge, meets once a week. It is hardly admitted for the parties to appear by their procurators. A party condemned to make payment to his antagonist must do it immediately, or go to prison; and the expence of an action is just sixpence.

OF THE DEAN OF GUILD COURT.

This court, far from usurping a jurisdiction which did not belong to it, has lost a part of what it was entitled to by law. It was authorised by statute to judge in all causes between merchants, as also, between merchant and mariner. For a long time, however, it has exercised its jurisdiction solely in regulating buildings within borough. In this respect, it is a court of great utility, especially in Edinburgh, where the vast height of the houses, and their being very much crouded upon each other, makes an institution of this sort peculiarly necessary. The business of the dean of guild, and his council, is to take care that buildings within the city be carried on according to law; that encroachments be not made upon the publick streets; also, to judge between conterminous* proprietors, upon the limits of their respective properties; to consider the state of buildings,

* James VI. parl. 13. c. 180.; William, parl. 1. sess. 7. c. 8.; Council register, v. 7. p. 162.

buildings, whether they be in such condition as to threaten damage to those dwelling in them, or to the neighbourhood ; and to grant warrant for repairing, pulling down, or rebuilding them, according to the circumstances of the case.

The Dean of Guild is judge of this court. He has a council of five appointed to him, whose opinions he consults ; but, if it be a matter of such importance, as the ordering a house to be pulled down as ruinous, he does not proceed but upon the verdict of a jury of fifteen men, half merchants, half tradesmen, who are specially called for the purpose.

With some, it has long been a matter of complaint, that the Court of Session is by much too ready to interfere with the decrees of the Dean of Guild. Here it must be observed, that the decrees of the Dean of Guild are of two sorts. They either respect questions between neighbouring proprietors, about the extent of their grounds, or matters of publick police ; such as removing of nuisances, ordering insufficient houses to be repaired, or pulled down, or granting warrant for rebuilding. The first of these cases is a matter of no public concern ; for, it is altogether indifferent to the publick, whether such a foot of ground belong to A or to B ; and besides, in this case, the two private parties will, from motives of interest, or from litigiousness, be sufficiently ready to lay out their money in a contest before the Court of Session ; but, in the other cases, whether an incroachment be made, or suffered to remain upon the streets ; whether a work of publick utility be stopped in the middle ; or whether the houses be suffered to tumble down about the ears of the inhabitants, is surely of public importance ; yet here, there is but one private party, the other party is the procurator-fiscal of the Guild Court, who, however much he might be inclined to accommodate the publick, by an attention to that part of police which concerns buildings, may not think himself at liberty to squander the publick funds of the city, in a contest with a litigious individual. By some, it is therefore held, that, in affairs of this sort, an interdict of the Dean

of

of Guild's judgment ought never to be granted as a matter of course, nor without, at least, a plausible reason appearing upon the face of the application; for instances have been known, that a debate before the Court of Session, about continuing an interdict, has been stopped by information, that the house, which was the subject of debate, had fallen to the ground; and, when gentlemen make their complaints to the magistrates of the quantities of rubbish lying on the streets, they commonly receive for answer, 'That it is out of the magistrates power to help it, for one of the Lords had granted an interdict.'

* * * * *

As the town-council of Edinburgh are superiors of the Canongate, Portborough, and Leith, they appoint certain of their own number bailies of these *boroughs of barony* *. They are called the *Baron Bailie of the Canongate*, &c. That for Leith is called *the Admiral of Leith*; because, within that district, he has a jurisdiction in maritime affairs. The baron bailies appoint one or two inhabitants of the respective *baronies* their substitutes; these are called *Resident Bailies*. They hold courts in absence of the baron bailies, for discussing civil causes of small moment, and petty offences.

Having described the different courts for the administration of justice, and magistrates for preserving of order, we must observe it, as an happy effect of their vigilance, that, perhaps, in no city of its bulk, are the persons and properties of the inhabitants so free from predatory assaults. A street-murder is a thing unknown in the memory of man. Robberies are very rare. The last robbery which was committed in Edinburgh, was on the last day of December 1775. Both the criminals were secured on that same night, and they were both made a sacrifice to publick justice, as quickly as the laws would permit.

* A borough of barony is a corporation erected by the King, consisting of the inhabitants of a certain tract of ground. Sometimes its magistrates are chosen by the inhabitants, sometimes they are named by the superior.

permit. A person may walk the streets any hour of the night, without dread of disturbance. This security, we apprehend to be chiefly owing to the institution of the city-guard, to the society of *cadies**, and to the particular attention of the present sheriff-depute of Edinburgh.

CHAPTER

* The *cadies* are a fraternity of people who run errands. Individuals must, at their admission, find surety for their good behaviour. They are acquainted with the whole persons and places in Edinburgh; and the moment a stranger comes to town, they get notice of it. The late recruiting business has been of no service to them.

CHAPTER II.

(By an oversight, the former chapter has been numbered B. III. c. 5. instead of B. IV. c. 1).

OF the Military Government, and Political Constitution of Edinburgh—Trained Bands—Town Guard—Town Council—Contests between Merchants and Trades.

IT has been observed, in the first part of this work, that a body of the citizens of Edinburgh, conducted by the Lord Provost and magistrates, accompanied James IV. to the battle of Flowden; and that, after that memorable defeat, the town-council appointed the inhabitants to assemble in defence of the city, and to keep watch, *every fourth man to be on duty each night*; and various military transactions of the citizens have been described in the course of our work.

The military corps of Edinburgh are the trained bands and the town-guard. The former of these corps appears to have been first established A. D. 1626. At that time, the town-council, upon a narrative of the foreign wars then subsisting, and other circumstances*, which, however, do not appear to have been their real motives, resolved, that the citizens should be mustered and divided into eight companies of 200 men each. In the year 1645, it was resolved, that the citizens should be mustered in † sixteen companies, and to that effect the city was divided into as many departments. These are still the boundaries according to which the present companies of trained bands are mustered. Each of the sixteen companies consists of 100 men. The Lord Provost of Edinburgh is their colonel; but their commanding officer in ordinary is known by the title of *Captain Commandant*. Under him there are a Lieutenant Colonel and Major, and in each company a Captain, Lieutenant, and Ensign. In the late rebellion, the arms provided for the trained

* Council reg. v. 13. p. 324.

† Ibid. v. 16. p. 47.

trained bands, and kept in the city's armoury, were carried off. They have never been restored nor replaced. The trained bands are now neither possessed of arms, nor instructed in military discipline; nor do they serve any purpose, but to display a parade upon publick processions of the citizens.

Of old, the citizens performed a species of personal service for defence of the town, called *watching and warding*. By this, the trading part of the inhabitants were bound, in person, to keep watch alternately during the night, to prevent or suppress occasional disturbances. In the progress of manners, this personal attendance was found extremely inconvenient; and the citizens were convinced, that their own ease would be promoted, and the city more effectually protected, by a commutation of their services into money, to be paid by them for maintaining a regular guard.

Conform to this idea, the town-council, in A. D. 1648, appointed a body of sixty men to be raised, whereof the captain to have a monthly pay of L. 11 : 2 : 3* Sterling, two Lieutenants of L. 2 each, two serjeants of L. 1 : 5 : 0, three corporals of L. 1, and the private men of 15 s. each *per* month. No regular fund being provided to defray this expence, the old method of *watching and warding* was quickly resumed; but those on whom this service was incumbent, were become so relaxed in their discipline, that the privy council informed the magistrates, if they did not provide a sufficient guard for preserving order in the city, the King's troops would be † quartered in it. Upon this, forty men were again (1679) raised as a town-guard. This body was, in the year 1682, augmented to a 108 men, at the instigation of the Duke of York. The appointment of the officers was vested in the King, who was also declared to have a power of marching this corps wherever he thought proper. To defray the expence of this company, the council imposed a tax upon the citizens, and the imposition was ratified by the King.

S s s

Upon

* Council reg. v. 17. p. 47.

† Ibid. v. 29. p. 275. v. 30. p. 126. 136.

Upon the revolution, the town-council represented to the estates of parliament, that they had been imposed upon to establish a town-guard, and complained of it as a grievance, which they wished to have removed. Their request was granted, and the citizens had recourse once more to *watching and warding*. So speedily, however, did they repent themselves of the change *, that the very next year they applied for the authority of parliament to raise, for the defence of the city, a corps of no fewer than 126 men, and to assess the inhabitants for discharging the expence.

Since that period, the number of this corps, which is called *the town-guard*, has been very fluctuating ; for about these thirty years, it has consisted of only 75 private men ; and, considering the enlarged extent of the city, and the increased number of inhabitants, it ought undoubtedly to be augmented. This, however, cannot be the case, unless new means are devised for defraying the expence, since the cost of maintaining the present guard exceeds the sum allowed by parliament to be levied from the citizens for that purpose.

The Lord Provost of Edinburgh is commander of this useful corps. The men are properly disciplined, and fire remarkably well. Within these two years, some disorderly soldiers, in one of the marching regiments, having conceived an umbrage at the town-guard, attacked them. They were double in number to the party of the town-guard, who, in the scuffle, severely wounded some of their assailants, and made the whole of them prisoners.

For defraying the expence of this corps, a tax called *watch money*, is levied from those alone of the inhabitants who were liable to *watching and warding*, viz. people in trade. The utmost that by law can be levied for this purpose, is L. 1250 Sterling ; but, as the actual expence amounts to L. 1400, the magistrates are obliged, by other means, to defray the additional charge.

But, although the town-guard may quell a nocturnal riot, and defend the inhabitants from street robberies ; yet this corps, even in conjunction

* Council reg. v. 33. p. 5. 148 ; William and Mary ; Unprinted acts, parl. 1. sess. 2. No. 49.

conjunction with the raw undisciplined troops, which of late have been stationed in the castle, are insufficient for protecting the citizens against the fury of the mob; for, in every stage of her history, the mob of Edinburgh have been more fierce and turbulent than those of any city with whose annals we are acquainted.

OF THE POLITICAL CONSTITUTION OF EDINBURGH.

The town-council of Edinburgh are administrators of the publick affairs of the city. This body consists of thirty-three persons; but this composes the whole council, *ordinary and extraordinary*; for many of the city's affairs are governed by the *ordinary council* of twenty-five. The town-council is composed of two bodies of men, merchants and tradesmen. Their respective powers are so chequered and interwove, as to preserve a balance between them. Their powers, indeed, and their numbers, have frequently varied; but they now appear to be established beyond the possibility of being altered, but by an act of the legislature. The present town-council of Edinburgh are,

The Right Honourable Walter Hamilton, Esq; Lord Provost

John Wordie, Esq;

William Galloway, Esq;

Donald Smith, Esq;

James Dickson, Esq;

}
}
}
}

Bailies

John Grieve, Esq; Dean of Guild

Alexander Maxwell, Esq; Treasurer

John Dalrymple, Esq; Old Provost

James Hunter, Esq; Gilbert Mason, Esq;

Thomas Cleghorn, Esq; and James Hotchkis, Esq;

} Old Bailies

Charles Innes, Esq; Old Dean of Guild

William Scott, Esq; Old Treasurer

Messrs David Stewart, George Leslie, and Charles Wallace, Merchant
Counsellors

Thomas Simpson and George Home, Trades Counsellors

James Gibson, Robert Clydsdale,	}	Council Deacons
William Barclay, James Cunninghame,		
William Cummyng, William Miller,		
William Davie, David Stewart,	}	Extraor. Council Deacons.
William Davidson, <i>Convener</i> * John Bonar,		
Hugh Johnston, Thomas Williamfon,		
John Craig, Robert Gedd.		

The town-council are not elected by suffrage of the house-holders at large, nor even by that of the burgessees. They are, in part, elected by the members of the fourteen incorporations, and they partly choose their own successors. The merchants have not, as merchants, any vote in electing the town-council; for the whole merchant guild is represented by the merchant members of the town-council for the time being. The grocers, printers, tallow-chandlers, barbers, vintners, and stablers, as such, can neither elect nor be elected.

The election then is made in this manner. First, the fourteen incorporations meet by themselves, and each incorporation makes out a list (or *leet* as it is called) of six persons, out of which the Deacon of each respective incorporation must be chosen. These fourteen lists, or *leets*, are laid before the ordinary council of twenty-five, who strike off three names from the six, and return the list, so abridged, to the different incorporations; and this is termed '*shortening of the leets*.'

* The *Convener* is the head of the trades companies. His office is of very late creation. The trades set it up of themselves; and it first received the sanction of authority from Lord Ilay's decret, A. D. 1740. He is not officially a member of council. His chief mark of distinction is a gold chain, which he bears about his neck, and appended to it, a medallion, bearing on one side, the figure of justice in *alto relievo*, on the reverse, the arms of the city engraved. A similar emblem is borne by the Provost, the four Bailies, the Dean of Guild, and Treasurer, only that of the Lord Provost is distinguished by a double chain. The magistrates, and all the *ordinary* council, wear robes upon publick occasions; the Lord Provost, a scarlet robe, with a cap and border of ermine, the magistrates, scarlet robes, with caps of crimson velvet, fringed and tasselled, the counsellors black damask gowns, bordered with fables.

'*leets*.' Out of the *leets* thus shortened, the incorporations choose their respective deacons, who are then presented to the ordinary council of twenty-five, who, out of the fourteen deacons, choose six of them to be members of the ordinary council; upon which the six council deacons of the former year walk off.

The next step in the election is the choice of three merchants and two trades counsellors. This is performed by the ordinary council of twenty-five; but the merchants and trades counsellors of the former year do not, upon the choice of their successors, immediately withdraw, but vote along with them in the remaining steps of the election. There are then 30 members, who proceed to the next step of the election, which is to make up *leets*, out of which the Lord Provost, Dean of Guild, Treasurer, and Bailies, must be chosen. For this purpose, a list is made up of three persons, out of which the Provost must be chosen; one of the same number for that of the Dean of Guild; a third, like the former, for the election of the Treasurer; and a list of twelve, out of which the four Bailies must be chosen; all of which persons, in the *leets* for provost and magistrates, must be merchants.

The *leets* being made up, these thirty, and joined to them the eight *extraordinary* council deacons, making in all thirty-eight persons, proceed to the choice of the magistrates for the ensuing year.

As the new part of the council, ordinary and extraordinary, is now filled up to this extent,

6 Council Deacons,

3 Merchant Counsellors,

2 Trades Counsellors, and

8 Extraordinary Council Deacons; in all nineteen,

it remains that fourteen more members be chosen to make up the full council of thirty-three. Of these, the following eleven are chosen on the first Tuesday after Michaelmas.

First, the Lord Provost, either a new person elected into that office, or the present one of course.

4 Bailies.

4 Old Bailies, their offices borne by the four bailies of the former year of course.

1 The Dean of Guild, either a new person elected, or the present one of course.

1 The Treasurer, either a new person elected, or the present one of course.

Hence, if the three offices of Lord Provost, Dean of Guild, and Treasurer, should all happen to be supplied with new persons, instead of eleven vacancies in council being filled up on the day already mentioned, their would be fourteen, which would render the council compleat; for the persons who were formerly Provost, Dean of Guild, and Treasurer, would, for the ensuing year, become Old Provost, Old Dean of Guild, and Old Treasurer; but, if no new persons are elected to be Provost, &c. then there are none to fill up the places of Old Provost, &c. of course; which, therefore, is done either at the next, or some subsequent council meeting, by the ordinary council of twenty-three or twenty-four*.

The constitution of the city of Edinburg, has now established, has not been fixed till after the violent and repeated struggles of different centuries. Originally, the town-council was composed of the merchants alone. The companies of arts †, or *the trades*, (as they are called), were merely the objects of their creation, were erected into bodies corporate by act of the town-council, and they afterwards requested to be admitted by their representatives ‡ into the body which bestowed upon them an existence; a privilege they seemed the better entitled to demand, in consequence of their being so far acknowledged by parliament ||, as to be debarred to have a voice

* *Twenty-three, or twenty-four*; because it so happens, that a new provost, new dean of guild, and treasurer, do not come into council in the same year; but a new provost and dean of guild the one year, and new treasurer the other, alternately.

† The art is here put for those who practise it. We thought proper to adopt the term always used in law and in practice, ‡ Council reg. v. 1, p. 26. § James III. parl. 5. c. 30.

voice in electing the magistrates of boroughs long before those of any of the crafts in Edinburgh were incorporated.

None of the charters, incorporating any of the trades-companies of Edinburgh, bear an earlier * date than 1475. The first time they craved to be admitted by their representatives into the town-council, was in A. D. 1508. At that time, they requested to have six or eight of their number received into the council, and that they might be declared capable of being elected into the magistracy: But they got this remarkable answer: ‘ That the council would make no ‘ innovation † upon the government of the town, without advice ‘ of the King and parliament.’ At what time *the trades* got admission into this body, we cannot ascertain. Their powers, indeed, over all Scotland, seem to have been extremely fluctuating. By a statute of James I. handicraftsmen, in their different branches, were impowered ‡ to elect a preses, who was called a deacon, or || kirk- 1424. master. Two years thereafter, the office, as being of general prejudice to the nation, was utterly abolished, and the former § meet- 1426. ings of the deacons condemned, as the assemblies of conspirators. It was, however, restored in about thirty years, with respect to the goldsmiths, for the ** purpose of inspecting their work, that it be of 1457. standard fineness; and the office soon became general among the different artificers. It was again checked, as being dangerous, and the cause of great †† trouble in boroughs, and deacons were required 1493. to confine themselves allenarly to the inspection of the work performed by those of their respective crafts. It was afterwards entirely abolished, as being ‡‡ the cause of commotions and unlawful com- 1555. binations;

* Maitland’s hist. B. 4. † Council reg. v. 1. p. 26. ‡ James I. parl. 2. c. 39.

§ Probably because he assisted the chaplain in performing certain religious offices. For, those of every occupation had among the saints their respective patrons, in honour of whom they founded altars. The only remains of this superstition is the procession still made by the shoemakers on St Crispin’s day. It is curious to observe, that, as saints went out of fashion at the reformation, Crispin has ever since passed for a King with the Scottish cobblers.

§ James I. parl. 6. c. 86. ** James II. parl. 14. c. 65. †† James IV. parl. 4. c. 43. ‡‡ Mary, parl. 6. c. 52.

binations ; and the statute abolishing it has never been expressly repealed ; yet *the trades* speedily acquired new power and favour.

At what time the trades first obtained admission into the town-council of Edinburgh, we cannot ascertain. It is certain, however, 1552. that, in A.D. 1552 *, there were two craftsmen in the council, which then consisted of twelve. They appear to have been precisely in the same character with the present trades-counsellors. Upon the beginning of † the attempts to overthrow the popish, and establish the reformed religion, Mary of Lorraine, the Queen-regent, with a view of obtaining a set of magistrates favourable to her cause, espoused the interest of *the trades*. On the approach of the Michael- 1559. mas election 1559, she sent an order to the town-council, requiring ‡ them to admit the votes of no fewer than eleven deacons of crafts in every step of the election, which, together with the two trades-counsellors, who were already members of council, would have thrown the election entirely into the hands of *the trades*. This letter was palpably a stretch of arbitrary power. It besides contained a manifest falsehood, that the deacons of crafts formerly had a right to vote in all steps of borough-elections ; whereas, by the 1469. statute 1469. (long before that repealed), it was only provided, that the craftsmen should have a voice in choosing the magistrates. And the letter further alluded to some restitution of their privileges, 1556. which had been made to *the trades* in the year 1556. What the nature was of this act of restitution, or by whom it was passed, we know not ; but we are certain that it was illegal ; for the office of deacon, and all its privileges, were abolished by parliament the very year preceding. The council behaved with great spirit upon receipt of

* Records of convention of royal boroughs, 4th April 1552.

† In the recent contest between the merchants and *trades*, the author of the ingenious paper for the defendants of the 3d March 1778, supposes, that the two craftsmen were turned out of council after 1552, were received again in 1556, but even then were not allowed to vote. We can discover no reason for any part of this hypothesis. The author of that paper appears to have been led into the mistake, by confounding together the deacons of *the trades* and the two trades-counsellors.

‡ Council reg. v. 3. p. 24.

of this order from the regent. They desired the deacons who had presented it to withdraw, till the council had deliberated upon its import; and having called them in again, told them *, ‘ that the council could yield no obedience to the order, for it was contrary to act of parliament.’

The council, however, was not long filled with men of such determined resolution. Twenty years had hardly elapsed, ere *the trades* had got such footing in it, that the mutual contests of them and the merchants filled the city with tumult; and both parties were fain to court peace, by referring their various claims and differences to the decision of James VI. as umpire between them. 1582.

By the decret-arbitral pronounced by that Prince, the political constitution, or *sett* of the town, was established upon nearly the same footing which it still retains, notwithstanding the busy struggle which *the trades* have maintained for a period of two hundred years, in order to acquire to themselves an increase and ascendancy in power. By this decret, the town-council was appointed to consist of the same number of persons, merchants and tradesmen, that it does at present. The only important advantage which *the trades* have acquired by their struggles for power, has been, that, as by the decret of James VI. the ordinary council of twenty-five, after taking the opinion of the deacons of the different incorporations upon the characters of the members of their respective bodies, made out a list, or *leet*, of three persons in every incorporation, out of which it behoved the different deacons to be chosen. Whereas now, each incorporation gives in a list, or *leet*, to the town-council, of six, from these the council strike off three, and out of the remaining three the deacon is chosen. It is proper, however, that we should give a short detail of the different contests between the merchants and *trades*, from the date of King James’s decret-arbitral to the present times. April 22. 1583.

T t t

During

* Council reg. v. 3. p. 24.

During the life of that Prince, neither party could, with any decency, challenge the decree of their Sovereign, which they had sworn to observe. The reign of his successor was agitated with too violent contests to admit of the attention of societies being bestowed upon borough-politicks. But, no sooner was peace established with the restoration, than the contest between the merchants and *trades* was renewed. The *trades* seem, at that time, to have been not a little puzzled to find out a cause of quarrel; for the chief object * of their complaint was, that the Lord Provost, instead of sitting at the council-board, and giving his suffrage *viva voce*, withdrew, and voted † by proxy. They also claimed a privilege, which was denied to them, that the extraordinary deacons should vote in the election of the baron-bailies. The trades protested against the election of the town-council. The procedure was laid before the Lords of privy council, the election sustained, and the conduct of the trades condemned, as dangerous, and tending to sedition.

The next object of contest between the merchants and trades was, that, whereas formerly the town-council presented to each incorporation a list of three, out of which the respective deacons must have been chosen, it was now agreed unanimously by the merchants, as well as ‡ *trades*, that, in future, the incorporations should be entitled, each of them, to send up to council a list of six, from which the council should strike off three, and that out of the remaining three the respective deacons should be chosen. It would seem, that the merchants quickly repented themselves of this concession; for, within six months, the *trades* found it necessary to bring a suit before the Court of Session, for obtaining || a legal sanction to this encroachment. The judges were extremely divided in their opinions; and a judgment was obtained in favour of the *trades* by the majority of one voice.

In:

* Council reg. v. 21. p. 53.; Records of privy council, No. 1. p. 58.

† In all the steps of election of the town-council of Edinburgh, the whole persons entitled to vote must be present, either personally, or by proxy. ‡ Fountainhall's decisions, v. 1. p. 239.; Council reg. 17th October 1683. || Fountainhall, v. 1. p. 275.

In this state matters rested till the year 1721, when the trades thought fit to advance additional claims. Among their deacons, one of them had long borne the title of *Convener*; but he now insisted upon being received by the town in that character, to which they made the following answer: ‘ That he was already qualified as ‘ deacon, and there was no mention of the office of Convener in ‘ the sett.’ The *trades* next demanded, that the extraordinary deacons should be allowed a vote in the chusing of all proxies; and insisted, that no committee could be legally appointed by council, without concurrence of the extraordinary deacons; and that the Convener was officially a member of all committees. These repeated demands alarmed the merchants, who brought an action before the Court of Session, for having it declared, that the ordinary council had a right to present to each of the different incorporations a list, or *leet*, of three, out of which it behoved the deacon to be chosen, without the council’s first receiving from the *trades*, long *leets* of six. The trades, on the other hand, brought an action, for having the decree of A. D. 1684 enforced, and for having ascertained to them the various privileges they claimed. Both parties, however, thought proper to submit their differences to the decision of the Earl of Hly, afterwards Archibald Duke of Argyle, who, in A. D. 1630, pronounced the decret-arbitral, which, as explicative of the decree of King James, is the present established political constitution of the city of Edinburgh.

This decree was received with universal satisfaction. All parties concurred in returning to Lord Hly the most hearty thanks for having composed their differences. But thirty years had hardly elapsed, ere those rights, which formerly had been struggled for by the *trades*, were now affected to be considered by them as intolerable burthens. In their former ontest with the merchants, a right was confirmed to the *trades*, in the election of their deacons, of presenting to the council a *long leet* of six, which the latter might shorten to three. But now, the *trades* insisted, that the council

should have no right of shortening their *leets*; that the trades should send up no *leets*; but that they should choose their deacons without controul of the merchant-members of council, while they themselves had the right of voting in the election of those merchants.

The occasion of this fresh demand by the *trades* was their having conceived an umbrage against the administrators of the city's affairs, for their having exerted a privilege which indeed they ought, upon no occasion, to relinquish, that of supplying the vacant churches by the mode of patronage, and not by popular call. For the *trades* expected, that, by obtaining that alteration in the constitution of the borough, they would be able to turn out those who were then in the government of the city.

An act of council was accordingly passed, for applying to the convention of royal boroughs, for their authority, to abolish the practice of sending up *leets* to the council, and to give the *trades* an uncontrouled power of choosing their deacons. Certain of the merchant-members of council applied by bill of suspension to the court, to stop the intended application to the royal boroughs, for these reasons: ' That the resolution complained upon was truly not an act of council; for that the government of the city is vested in the ordinary council of twenty-five, of which thirteen was declared to be a quorum; and that there were not thirteen members of the ordinary council present, when the pretended act was passed: ' That the political constitution of the city was already established by decret-arbitral, and ratified: That the deacons could only be looked upon as parties; and that the extraordinary deacons had no right to vote. And, lastly, that it was not in the power of the town-council to make any regulation for altering the constitution of the city; nor, indeed, in the power of any but the legislature.' Upon this application, the court granted a temporary interdict of the resolution complained of. But the merits of the cause were not determined; for, upon more mature reflection, the trades did not think proper to follow forth an attempt, which, on their part, appeared palpable

palpable usurpation; which, if successful, would have destroyed the balance so carefully poised between the merchants and trades, which would have given a superior influence to the body possessing the least importance, and upon which the convention of royal boroughs seemed destitute of authority to enable them to decide.

From the year 1763, till 1776, the city continued to be peaceably governed, conform to the rules of the constitution. At this time, the chief magistrate of the place was a person to whom the citizens gave credit for liberality of ideas, and for taste, judgment, and attention, in conducting the affairs over which he presided. He seems to have anxiously cultivated this favourable opinion of the citizens, with a view of effectuating the overthrow of that political interest to which he was indebted for an introduction into the magistracy; and of modelling a council, which should be entirely coincident with his opinions, or subservient to his views. Before the Michaelmas election 1776, he was confident of a majority, that would enable him to turn out of council those who were adverse to his designs; but he was disappointed in the event.

Instantly clamours were heard over the city, that the *trades* were an injured and oppressed body; that the shortening the *leets* was an intolerable grievance; that they laboured under many other hardships; which, in other words meant, that they had in view many other claims which they intended to assert, as opportunity should occur; but, in the mean time, they restricted the object of their complaint to the *shortening of the leets*, being advised by their lawyers, ‘*that it were better not to seek too much at once.*’

Mr Stodart made a motion in council, which was agreed to, ‘That application should be made to the convention * of royal boroughs, to alter that part of the political constitution of Edinburgh, which respected the election of deacons, as to the shortening of the leets: That this practice be abolished, and the incorporations have the power of electing their respective deacons,

‘without

* Council reg. 19th Feb. 19th March 1777.

‘ without being subject to any restraint from the town-council what-
‘ ever.’ To stop this application, the Lord Provost, and majority
of the ordinary council, presented a bill of suspension, praying for
an interdict. The reasons of suspension chiefly insisted upon were,
‘ That the vote complained upon, of application to the royal bo-
‘ roughs, was not an act of council ; for it was carried by the help
‘ of the extraordinary deacons, or *deacons not of the council* ; and
‘ that this was none of the cases specified, in which these deacons
‘ were declared to have a right to vote : That it was incompetent
‘ for the town-council to take any step for altering the constitution
‘ of the borough ; and that, if such step was at all to be taken, it
‘ ought to be, not by the town-council, who were the representa-
‘ tives, but by their constituents the different bodies represented ;
‘ and that the convention of royal boroughs had no power to alter
‘ the political constitution of a borough, established as that of E-
‘ dinburgh.’ The cause was ably and keenly argued* ; and, after
repeated deliberations, a perpetual † interdict, in the terms prayed
for, was pronounced by an unanimous judgment of the court.

CHAPTER

* See printed papers in the cause, *Dalrymple against Stodart*, dated 27th September, 27th November 1777, and 12th February, 3d March 1778, preserved in the Advocates Library.

† Decrees of Session, *Dalrymple against Stodart*, 7th Aug. 1778.

CHAPTER III.

Of the Revenue of the City of Edinburgh.

A CRITICAL inquiry into the revenues of the city of Edinburgh, is inconsistent with the nature of this work. It is the province of an accomptant, and a subject for a treatise by itself. As the affairs belonging to, and conducted by publick bodies, are, for the most part, very ill managed; so it must likewise be confessed, that idle, ignorant, and discontented people, are ever ready without proof, and often without foundation, to throw the blame of misconduct upon the administrators of publick affairs. The management of the affairs of this city, and the criticisms that have been made upon it, afford instances in support of both these positions, but especially of the last.

In former times, the chief instances of misconduct and misapplication of the city's revenues, consisted in the mode of feuing out the city's lands; in the Sovereign's arbitrarily exacting money from the town, or obliging her to furnish him with men; in his obliging the city to erect, at a great expence, publick national buildings; and in the repeated extortions of Lauderdale, whose example descended through every rank, and infected the city's clerks in his time, to a degree that entitled them also, to be held *Prime Ministers in rapacity and avarice*.

Besides that the increased value of land, and diminution in the value of money, makes the old feu-contracts between the city and her vassals extremely unfavourable for the former; the administrators of her affairs were frequently in use to dispose of land in feu, for a piece of money, to answer some immediate demand, and

a trifling feu-duty payable annually. The purchase-money was quickly spent, the feu-duties were inconsiderable, and, in this manner, the city's revenues have been impaired. It must be added, that, no doubt, an application from a friend, for a bit of land that lay convenient for him, has frequently had influence with the town in procuring it to be sold at an easy price.

In the year 1690, the gross revenue of the city of Edinburgh, without reckoning the duty upon ale, amounted to upwards of L. 6500 Sterling*; although, in that accompt, there is only stated a trifle of L. 39, as received on account of the shore-dues at Leith. In the year 1749, when the rents of lands and houses were greatly increased, when the shore-dues were augmented to L. 583, when the city had received an aid to her revenue of L. 500 a year out of the twopenny duty, it amounted only to L. 6472 : 13 : 7†. It is impossible for us to assign any reason for this stagnation, or rather retrogression, in the state of the city's gross revenues.

The revenue of the city of Edinburgh is ranged principally under two classes, *the proper, and the appropriated*. In A. D. 1723, when the duty of two-pence Scots on the pint of ale and beer, payable within the city, was extended over the parish of St Cuthberts, the Canongate, and South and North Leith, a list of the city's debts was taken; they amounted to L. 78164 : 3 : 7. The magistrates were allowed, by the statute extending the twopenny-duty, to borrow a further sum of L. 25000; but prohibited from ever increasing the city's debts more than L. 25000 beyond their then amount. For the whole of these debts, the duty of two pennies on the pint is liable, in the first place, (the bonds being signed by the magistrates as administrators of that fund), and the city's other funds are liable *subsidiarie*. This duty was also granted for the purpose of augmenting certain ministers stipends, and professors salaries, bringing in water, erecting public buildings, and many other purposes to which

* Council reg. v. 33. 26th Nov. 1690; Records of privy council, No. 1. p. 534:

† Authenticated accompts of R. Fleming treasurer, 6th April 1750.

which its extent has proved utterly inadequate. This is the city's *appropriated revenue*. It amounted, when only exigible within the city,

A. D. 1690 to L. 4000 0 0
When extended over the parish of

St Cuthberts, &c.	1724	to	7939	16	1
	1736		6101	10	8
	1750	*	4758	18	8
	1764		3550	0	0
And in	1776	to	2197	0	0

Such, to the propagation of idleness, vice, and disease, has been, among the poor, the increased consumption of tea and *whisky*.

The two-penny duty, as has been already observed, was extended over the parish of St Cuthberts, &c. with a view to enable the magistrates to carry on certain publick works since compleated, as well as many other purposes of general utility, then in contemplation. By the statute of extension, they were impowered to borrow a certain sum, and when they saw arising from this duty a noble revenue of L. 8000 a year, it was not only allowable in the magistrates, but their duty truly required it of them, to consult the immediate interest of the citizens, by borrowing, upon the faith of this revenue, a sum to enable them to carry on works of immediate and general utility. Much obloquy, however, and unmerited censure, have been thrown upon the administrators for the city, particularly upon that publick spirited and excellent magistrate, George Drummond, Esq; for thus anticipating the city's revenues, as if it had been possible for them to have foreseen, or to have conceived so amazing a decrease, in a duty arising from one of the most necessary articles of life.

The *proper revenue* of the city of Edinburgh consists partly of the duties or taxations exigible by the town-council; such as the impost on wines; the shore-dues at Leith; the duties collected at

U u u the

* Neat produce.

the poultry, fish, meal, and other markets; the annuity, or ministers stipend: Partly of their landed property, such as Leith and Bruntsfield Links, Calton-hill, and Meadows, houses and shops in Edinburgh and Leith: Partly of their feu-duties, as those of the mills on the Water of Leith, of the houses in the New Town, &c: Partly of what is paid for private water pipes. The *proper revenue* of the city consists of these, and many other articles. Its gross produce (not reckoning here the appropriated revenue) is at present about L. 10,000 Sterling yearly, and a gradual increase of it may be expected.

The city's debts are, at present, almost L. 8000 less than they were in the year 1723, being L. 70,195 : 2 : 9. This, however, must, in part, be owing to some of the town's property having since that been sold; such as the estate of Woolmet, for which L. 11,000 were received, to some of the leases let by the city being converted into feu-contracts, such as that of the bakers mills, for which L. 2000 were received, &c. &c. Upon the whole, the administration of the city's funds appears of late to have been excellent, more especially when we consider, that the purchases, building of the bridge, making common sewers, paving streets, and other expences incurred, concerning the extended royalty alone, amounted * in September 1778, to L. 37,354 : 17 : 9; and, that the gross *proper revenue* of the city is better, by a half, than it was thirty years ago.

The city treasurer of Edinburgh, who is, *ex officio*, a member of the town-council, is no more than the town's cash-keeper. To collect the revenues, and keep a state of them, is the office of the chamberlain. As the branches of the city's revenues are various, and many of them consisting of very numerous, but trifling articles, it was found impossible for the treasurer, during his continuance in office †, to acquire a thorough knowledge of the town's affairs: Besides, had he understood them fully, still their multiplicity required a labour and attention, incompatible with the management of

* The sum then received by the city, for areas in the New Town, was about L. 13000.

† By the constitution of the borough, the treasurer can continue in office but two consecutive years.

of a separate business. On these accounts, the town-council, in A. D. 1766, appointed an officer, with an adequate salary, whose sole business it should be, to collect, and keep an accurate state of the city's revenues. This officer is called the *city's chamberlain*. The manner in which her revenues have been managed since the establishment of this officer, justifies the wisdom of the institution, and the propriety of the choice.

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CHAPTER

CHAPTER IV.

OF Companies of Arts, Commerce, and Manufactures—Of the Fourteen Incorporations of Edinburgh—Royal College of Surgeons—Corporations of Goldsmiths — Skinners — Furriers — Hammermen—Wrights and Masons—Taylors—Bakers—Butchers—Shoemakers—Weavers—Waukers—Bonnet-makers—Merchant Company—Bank of Scotland—Royal Bank—British Linen Company—Friendly Insurance Office — Sun-fire-office — Liverpool-office — Post-office — Widows Scheme.

THE following corporations have each the right of electing a deacon, who becomes a member of council, ordinary or extraordinary. They are set down in order according to their precedence.

I. OF THE ROYAL COLLEGE OF SURGEONS.

The Surgeons and Barbers were erected into a corporation by a seal of cause from the town-council of Edinburgh, dated 1st July 1505. In this seal of cause, or charter, certain rules are prescribed for the good order of this fraternity. King James V. ratified this charter on the 13th October 1506; and Queen Mary, in consideration of the great attendance required of surgeons upon their patients, granted them an exemption from serving upon juries, and from *watching and warding* within the city of Edinburgh, privileges which were afterwards confirmed * by parliament.

By act of council 25th February 1657 †, the surgeons and apothecaries were, at their mutual desire, united into one community, which was ratified by parliament. From the time that the arts of surgery and pharmacy were united, the corporation laid aside entirely

* See an account of the trades and manufactures of Edinburgh, under the article *Leith*.

† Maitland's hist. B. IV.

tirely their business as barbers. This occasioned an act of council of the 26th July 1682, recommending to this corporation to supply the town with a sufficient number of persons qualified to *shave and cut hair*; and who should continue dependant upon the surgeons. But, in the year 1722, the surgeons and barbers were separated from each other in all respects, except that the barbers are still obliged to enter their apprentices in the register kept by the surgeons.

By a charter of his present Majesty, dated 14th March 1778, this corporation was erected of new, under the name of '*the Royal College of Surgeons of the city of Edinburgh.*' This charter establishes a scheme of provision for the widows and children of the members. By this scheme, besides certain sums belonging to the Royal College, which are allotted to it, each member is obliged to pay L. 5 a year towards it, during all the days of his life. If he dies before making four yearly payments, neither his widow nor children receive* any supply from the fund; but, if he survives that period, and leaves a widow, she is entitled to L. 25 yearly, during her widow-hood alienably. If he dies a widower, leaving children, they are entitled in whole to L. 100. The meetings of this company are held in their own hall in the High-school yards.

II. OF THE GOLDSMITHS.

The Goldsmiths were originally incorporated with the Hammermen. At what time they were separated from them, and erected into a distinct incorporation, is uncertain. That they were, however, a separate company in A. D. 1581, is undoubted; for in that year, judicious and minute † regulations are prescribed to them by a charter from the town-council, concerning the receiving of apprentices, and the working in gold or silver. By a charter of James VI. all persons not of the corporation, are prohibited from exercising the

* Printed charter of the Royal College of Surgeons, A. D. 1778.

† Maitland's hist. B. IV.

the trade of a goldsmith within the city and liberties of Edinburgh ; and, indeed, considering the regulations to which this company is subjected, it were well that this monopoly was rigorously enforced ; nay, that over all Scotland, none should be allowed to work, or deal in gold or silver, without having his work subjected to inspection of the assay-master, who has a power of assaying all work performed by the corporation of goldsmiths. For all the work executed by this company undergoes a most accurate and faithful trial, and afterwards is impressed with a publick stamp characteristick of its standard fineness ; whereas, in Edinburgh, as well as other parts of the country, a set of people, from being pedlars, commence jewelers, and not only sell work, which is not of standard fineness, but also sell plated work and base metal to ignorant people, as genuine silver ; frauds, which the multitude of toys from Sheffield and Birmingham enables them the more readily to practise. This corporation has a convenient place of meeting in the Parliament Square, called Goldsmiths-hall.

III. SKINNERS.

The Skinners were erected into a corporation by the town-council of Edinburgh ; but the time is unknown, further than it was on or before the year 1586. Regulations for their good government, and the proper conducting of their manufacture have, from time to time, been made by the town-council of Edinburgh.

IV. FURRIERS.

The Furriers also owe their existence, as a body-corporate, to the town-council ; the time of their being incorporated is unknown.

V. HAM-

V. HAMMERMEN.

The Hammermen were erected into a corporation by a seal of cause from the town-council of Edinburgh of the 2d May 1483. This community, at that time, comprehended the following crafts: Blacksmiths, goldsmiths, saddlers, cutlers, and armourers. There are now comprehended in it, the blacksmiths, cutlers, saddlers, locksmiths, armourers, pewterers, sheersmiths, watch-makers, gunsmiths, hook-makers, pin-makers, belt-makers, founders, braziers, copper-smiths, and white-ironsmiths. This corporation meets in their hall in the Cowgate, called *the Magdalene Chapel*; because it was originally a chapel dedicated to St Mary Magdalene.

VI. VII. WRIGHTS AND MASONS.

They have a double representation in the town-council; one deacon is annually chosen to represent the wrights, and another the masons. They were incorporated by a seal of cause from the town-council, dated 15th October 1475. The privileges granted to this incorporation have been repeatedly confirmed by royal charter. It is commonly known by the name of 'The united incorporation of Mary's Chapel.' It consists of the following crafts: Wrights, masons, bowyers, glaziers, plumbers, upholsterers, painters, flaters, sieve-wrights, and coopers. This community has, in Niddry's-wynd, a modern hall, for holding their meetings. It is called *Mary's Chapel*, having been originally a chapel dedicated to the Blessed Virgin.

VIII. TAYLORS.

The Taylors, like other craftsmen of Edinburgh, were incorporated by the town-council. They are possessed of several charters from the town-council, which have been ratified by the Scots Kings; but the time when they were first incorporated is unknown.

IX. BAKERS.

IX. BAKERS.

A seal of cause from the town-council, in A. D. 1522, in favour of this incorporation, sets forth, that, by their negligence in times of publick trouble, the original charter, incorporating them, was lost, or amissing. By this charter, which was granted in its place, it appears, that, as each incorporation had an altar erected in St Giles's church *, and dedicated to its respective patron, or tutelar saint; so the chaplain got his victuals by going about from house to house, among the members of the incorporation alternately.

X. *Fleishers*, or BUTCHERS.

The *Fleishers*, or Butchers, are a very old incorporation. The time of their being incorporated is unknown, further than that † it was previous to A. D. 1488; for, in that year, salutary regulations were prescribed to them by the council, for having the markets supplied with wholesome provisions. By these regulations, it appears, that the butchers dealt in fish, as well as flesh.

The inconvenience, and exceeding nastiness of the market-places in Edinburgh, have long been a matter of deserved reproach upon the city. Delicacy of taste, and delicacy of sentiment, must ever be, in a certain degree, concomitant, and have a reciprocal tendency in promoting each other. A person who visits the markets of Edinburgh would do well to lay aside these troublesome feelings. It is with pleasure that we observe the magistrates becoming attentive to those things which are proper for the accommodation of the citizens; and, in particular, to see, that new market-places are actually begun to be built. We are satisfied, that no attention nor expence will be spared to render them commodious.

XI. CORDINERS.

* Charter in possession of the corporation of Bakers.

† Maitland's history, B. 4.

XI. CORDINERS.

We cannot ascertain the time that this corporation was instituted. Maitland places it in A. D. 1449. But no records of council, of so early a date, are preserved; and none of the corporations of Edinburgh pretend to be of an earlier erection than A. D. 1475. The charter alluded to by Maitland cannot, at present, be recovered; so we must rest with observing, in general, that the Cordiners, or shoemakers, have obtained various seals of cause from the magistrates of Edinburgh, one * of them ratified by James VI. and that they are one of the oldest corporations in Edinburgh.

XII. WEAVERS.

Upon a petition from the weavers, they were incorporated by a seal of cause from the town-council, dated 31st January 1475. The petition sets forth, that they had framed certain articles 'for the honour and love of God, of his mother the Virgin, and of St 'Sovrane;' and prays a ratification of these articles. Among others, care is taken to enact, 'That the priest shall get his meat.'

XIII. WAKERS.

The *Wakers* were originally clothiers. Their business now is dwindled down to the milling and scouring of cloths. They appear to have been incorporated by a seal of cause from the town-council, of date the 20th August 1500. The hatters were united with this incorporation A. D. 1672.

XIV. BONNET-MAKERS.

The Bonnet-makers were erected into a corporation by the town-council in the year 1530. By the fashion of wearing hats, their

X x x

business

* Maitland's history, p. 305.

business failed, and they fell into decay. The dyers were * united with this corporation in the year 1640.

* * * * *

OF THE MERCHANT COMPANY.

The Merchants of Edinburgh were erected into a body-corporate by royal charter, dated 19th October 1681, under the name of ‘*The Company of Merchants of the city of Edinburgh.*’ By this charter, they were impowered to chuse a preses, who is called, ‘*the Master of the Merchant Company,*’ twelve assistants, a treasurer, clerk, and officer. The Company were further impowered to purchase lands, to make by-laws for their good government, &c. But a salvo is inserted, of the rights of the different incorporations of Edinburgh. The money payable to the funds of this Company was, upon the admission of a member, ten shillings, his yearly quota two shillings, and, by a lad entering apprentice with a member, five shillings. The funds arising from these payments were chiefly designed for support of their poor.

As these trifling dues were found insufficient for the purposes intended, the † Company applied to, and obtained a charter from his present Majesty, enabling them to levy from every member, upon his admission, six pounds and six shillings annually.

OF THE BANK OF SCOTLAND.

The Bank of Scotland was erected by act of parliament A. D. 1695. By the statute of erection, this Company was impowered to raise a joint stock of L. 1,200,000 Scots, or L. 100,000 Sterling, for the

* The Candlemakers were incorporated by act of council 5th September 1517; but they have no representation in council. † Royal charter in favour of the Merchant Company, 16th August 1777, in archives of the Company.

the purpose of carrying on a publick bank *. The smallest share which any person could hold in this bank was declared to be L. 1000 Scots ; and the largest sum for which any one was allowed to subscribe was L. 20,000 of the same money. L. 8000 are declared to be the qualification necessary to entitle any one to be elected governour, L. 6000 deputy-governour, and L. 3000 for each director. The management of the affairs of this Company was vested in a governour, deputy-governour, and twenty-four directors : And, in chusing these managers, each proprietor was declared to have a vote for every thousand pounds of stock held by him.

The capital, or stock of this Company, being found not large enough to answer the purposes of a commercial country, they, in A. D. 1774, applied for, and obtained, an act, enabling them to enlarge † their stock. By this act, they were impowered to double their original stock, or to raise it in whole to L. 2,400,000 Scots, or L. 200,000 Sterling. Each person already holding shares was allowed to fill up the new capital, to be subscribed for, in so far, and to the same extent, as he already held shares in the original stock. What remained not filled up, was to be sold to the highest bidder, among the proprietors of the old stock, provided no one should possess, in whole, above L. 40,000 Scots of stock ; and if any still remained unsubscribed for, any one might subscribe that inclined. By the same act, too, the double of the former sums was declared to be requisite, as qualifications entitling the members to be governours or directors of the Company, or to be their electors.

Agreeably to the envious policy so frequent among commercial companies and states, when the Royal Bank was erected, that company purchased up all the notes of the Bank of Scotland that they could lay hands on, and made such a run upon this bank, as reduced them to considerable difficulties. To avoid such distresses for the future, the Bank of Scotland, on the 9th of November 1730, began to issue L. 5 notes, payable on demand, or L. 5 : 2 : 6 fix

X x x 2

months

* Unprinted acts, 1695.

† Geo. III. parl. 14. c. 32.

months after their being presented for payment, in the option of the Bank. On the 12th of December 1732, they began to issue L. 1 notes, with a similar clause. The other banking companies in Scotland found it convenient to follow the example. Bank-notes were universally framed with these optional clauses. They were issued for the most trifling sums, and were currently accepted in payment, in so much that notes for five shillings Sterling were perfectly common; and silver was in a manner banished out of the country. To remedy those abuses which had crept into the banking business, an act of parliament was passed, A. D. 1765, prohibiting all promissory-notes, payable to the bearer, under L. 1 Sterling; and prohibiting and declaring void all the optional clauses.

OF THE ROYAL BANK OF SCOTLAND.

By the articles of union, Scotland was declared to be liable to the same duties which were levied by way of customs or excise in England. As these duties had, in the latter of these nations, been appropriated for the discharge of debts contracted by England before the union, it was found reasonable to give Scotland an equivalent for this additional burthen. This sum, given by way of equivalent, was ordained to be paid for certain purposes, and to certain persons, or bodies-corporate, mentioned in the articles of union, and in posterior statutes. The proprietors of these sums, to the extent of L. 248,550 Sterling, were erected into a body-corporate, under the name of THE EQUIVALENT COMPANY; and the said sum of L. 248,550 was declared to be the joint stock of the Company.

Upon application from this company, they obtained a royal charter, empowering such of them as inclined to subscribe their shares in the joint stock for that purpose, to carry on the business of banking. By this charter, the subscribers to this banking business were, in A. D. 1727, erected into a body-corporate, to be called THE ROYAL BANK

BANK OF SCOTLAND. They were vested with the requisite powers, and the management of the Company's affairs declared to be in a governour, deputy-governour, nine ordinary, and nine extraordinary directors. And the qualifications of these managers were declared to be, that of the governour, to hold stock to the extent of L. 2000; of the deputy-governour, of L. 1500; of the ordinary directors, of L. 1000; and of the extraordinary directors, of L. 500. The sum originally subscribed was L. 111,000; but, by a charter, passed in favour of the Royal Bank, A. D. 1738, explaining the privileges formerly bestowed upon them, and enabling them to increase their capital, they were impowered to raise their stock to a sum not exceeding, in whole, when joined to their original funds, L. 150,000. By the charter of erection of this company, a share of L. 300 entitles a proprietor to one vote, one of L. 600 to two, of L. 1200 to three, and of L. 2000 to four; and no proprietor can have more than four votes.

OF THE BRITISH LINEN COMPANY.

The government, as well as many gentlemen of rank and fortune, had exerted themselves to encourage the manufacture of linens in Scotland. To this effect, it was thought, that the erecting of a publick company, with powers to raise a capital of L. 100,000, and to carry on the linen manufacture, would be conducive. *The British Linen Company* * was accordingly, by royal charter, erected into a body-corporate A. D. 1746. By their assistance, this species of manufacture came to flourish through the country, being carried on by private persons, or companies; the British Linen Company still continuing to promote the linen manufacture, by advancing money to those engaged in carrying it on. The effect of their operations on that manufacture appears from its amazing increase since the erection of this company. The linens stamped for sale in Scotland amounted

* See an account of the linen trade B. v.

amounted then to five million of yards annually, value L. 200,000. They have since increased to 13 or 14 millions, value from 6 to L. 700,000.

By the constitutions of this company, its affairs are declared to be under the management of a governour, deputy-governour, and five directors. It is declared a necessary qualification in the governour, that he be possessed of a share in the company's stock, to the amount of L. 1000, of the deputy-governour of L. 500, and of each director of L. 300. A share of L. 200 entitles a proprietor to vote in the choice of these managers, of L. 500 to two votes, and of L. 1000 to four votes; but it is declared that no proprietor shall possess more than four votes.

OF THE FRIENDLY INSURANCE OFFICE.

Several proprietors of houses in Edinburgh, in the year 1720, entered into a contract for insuring each others houses against losses by fire. To this effect, it was agreed among the contractors, that the proprietor of any house in Edinburgh, Canongate, or Leith, who was willing to become a member of this company, should be entitled to have his house perpetually insured against losses by fire, upon his paying a premium of 100 merks Scots upon every L. 1000 insured, or, in other words, on payment of a fifteenth part of the value of a subject insured; and this for the mutual relief of himself, and the other proprietors, in case of damage by fire, arising to any of the subjects insured. By this contract, the sums raised, by way of premium for insurance, were declared to be the joint stock of the company, and each proprietor to have a proportional interest in it, according to his share. But this share was declared to be annexed, not to the person of the proprietor, but to the property insured, with which it was always to be transferred.

In A. D. 1727, this company obtained a seal of cause from the town-council of Edinburgh, erecting them into a body-corporate, and

and ratifying the articles of agreement formerly entered into by them, with perpetual succession, and various privileges, which have * since been confirmed by parliament. In particular, the bonds granted for the premiums already mentioned, are declared to be real burdens upon the subjects, for the insurance whereof they were granted without the formality of an investiture †.

By the good management of the company's affairs, this institution, which is among the earliest of the kind in Britain, was found both to be beneficial to the citizens, and advantageous to the proprietors. Its affairs were carried on according to the original plan, till A. D. 1767. It was then agreed, that no more members should be admitted upon the former plan; and the company finding themselves possessed of a capital sufficient for extending their insurances through Scotland, they issued proposals for insuring houses, household-furniture, goods, &c. against damage by fire, at the same rates, and according to the same form observed by the Sun-fire Insurance-office of London. It was, at the same time, declared, that the stock and profits arising upon it were to be the sole property of the then company; liable, however, to make good any losses by fire, arising to any person who should insure his effects at their office.

In consequence of extending their insurances upon this enlarged plan, and of their discharging readily and punctually all claims made upon them, the publick have given them suitable encouragement. The company's affairs are managed by nine ordinary, and eighteen extraordinary directors. The ordinary directors meet regularly once a month, and occasionally, as the despatch of business may require. Their meetings are held in the hall, or office, built by the company nigh the parliament-house. Their device is two hands joined, the motto '*Deo fuvante.*'

OF

* George II. an. 1. cap. 22. an. 26. cap. 36.

† Investiture is a form in the Scots law, in which, by the presenting of earth and stone, as symbols, legal delivery, and possession of any landed property, is made to the person presented with the symbols. Without this ceremony, no person can possess a real right in land.

OF THE SUN-FIRE OFFICE.

This company, for insurance against losses by fire, was instituted at London about A. D. 1706. They were the first company in the island that insured houses and goods out of London. They established a branch at Edinburgh, A. D. 1733, for the convenience of those in Scotland who inclined to insure their subjects at this office. The company insures houses, and other subjects, at the same rates which are required by the Friendly Insurance-office.

OF THE LIVERPOOL OFFICE.

A company for insuring against losses by fire was formed at Liverpool on the first of January 1777. They instituted a branch at Edinburgh that same year. They insure subjects at the same rates which are exacted by the offices already mentioned; but with this advantage to the insured, that, in case of accidents, the sufferer's loss is paid without any deduction; whereas, at the other offices, a deduction of three *per cent.* is made upon the value of the goods destroyed.

OF THE POST OFFICE.

A post between London and Edinburgh was first established by King Charles I. A. D. 1635. The time allowed for * the performance of the journey was three days, which is full twelve hours quicker than it is performed at present. This must appear still the more expeditious, when we reflect on the vast improvement the post-roads have undergone within that period. It would appear, that a post was despatched from London and Edinburgh respectively, once or twice a week. The rate of postage was, for a single letter, all under eighty miles, 2 d. between eighty and a hundred and forty,

4 d.

* Rymer's Foedera, v. 19. p. 649.

4 d. above a hundred and forty 6 d. to Scotland and the double.

In the year 1649, the parliament of England voted, that the post should be under their sole power and direction. In 1654, the post was established on a new footing, by an ordinance of Oliver Cromwell. John Manley *, Esq; was appointed Post-master General, and farmed the revenues of the post-office of Great Britain and Ireland, for which he paid L. 10,000 *per annum* †; whereas formerly, it is said the national charge ‡ of maintaining post-masters, amounted annually to L. 7000. The rates of postage were, at the same time, lowered; that is to say, for single letters carried eighty miles, or under, as formerly; above eighty, 3 d. to or from Scotland, 4 d. to or from Ireland, 6 d. The post was then required to travel in summer, at the rate of seven, and in winter, at the rate of five miles an hour. By a subsequent regulation of the Protector's, every post-master was appointed to keep a book, and enter in it the || exact time of arrival of the post, and the name of the person who carried the mail, and that it should not be detained at any stage above seven minutes and a half; and the management of the post-office was solely committed to John Thurloe, Esq; principal secretary of state. In A. D. 1656, the parliament of the common-wealth ratified this establishment, and vested the appointment § of the Post-master General, in the Lord Protector and his successors. It was again confirmed upon the restoration, and the revenue of the post-office was bestowed ** upon the Duke of York. By a subsequent act in the same reign, this revenue was settled on the Duke of York and his heirs-male; and, upon †† his accession to the throne, it was vested by parliament in him, his heirs, and successors, for ever.

Y y y

A

* Dec. ord. and proclam. of Oliver Cromwell, and parl. v. 2. p. 669. † The post-masters at the different stages, were also vested with an exclusive privilege of keeping post-horses for hire.

‡ Blackstone's commentaries, v. 1. p. 321.

|| Dec. ord. and

proc. 21st Aug. 1665.

§ Dec. ord. and proc. 17th Sept. 1656.

** Car. 2. an.

12. c. 35.

†† Car. II. an. 15. c. 14. Jac. II. an. 1. c. 12.

Scotland and Ireland was first established A. D. 1662. The privy council gave Robert Mein, who was Post-master General for Scotland, L. 200 Sterling, to enable him to build * a packet-boat, to convey the mail between Port Patrick and Donaghadee. The postage of a letter from Scotland to Ireland, was then 6 d. In A. D. 1669, a post was appointed to go between Edinburgh and Aberdeen twice a week, and between Edinburgh and Inverness once a week. The rate of postage was declared to be, for every letter carried † forty Scots miles (about sixty English) 2 d. and for every twenty miles further, an additional penny. But the post-office in Scotland first received the sanction of parliamentary authority, A. D. 1695. Posts were then appointed over all Scotland, and more than 4 d. was not allowed to be taken for a single letter passing between any two parts in that country.

But, although posts were established, such was their mode of travelling, that they hardly deserved the name. For instance, a person set out with the mail from Edinburgh, for Aberdeen; he did not travel a stage, and then deliver the mail to another post-boy, but went on to Dundee, where he rested the first night, to Montrose, where he staid the second, and, on the third, he arrived at Aberdeen; and, as he passed by Kinghorn, it behoved the tide, and sometimes also the weather, to render the time of his arrival more late and uncertain. In this manner the mail was conveyed thrice a week, between Edinburgh and Aberdeen; but, between most parts of Scotland, a post went only twice, between some only once a week, and the post-boy travelled on foot. About the year 1750, the mail began to be conveyed from stage to stage, by different post-boys, and fresh horses, to the principal places of Scotland, and by foot runners to the rest.

The communication by post between London and Edinburgh was not much better. Till the 10th of October 1763, when a post was established

* Rec. of p. council, No. 1. p. 186. 16th Sept. 1662.
Jan. 1669.

† William, parl. 1, sess. 5. c. 20.

† Ibid. No. 2. p. 182. 28th

blished five times in the week, a post went between these cities but thrice in the week, and travelled in so dilatory a manner, that in winter the letters which were sent from London on Tuesday night, for the most part, were not distributed at Edinburgh till Sunday between fermons. Even in the year 1757, so tediously were these despatches conveyed, that the mail was upon the road from London to Edinburgh *eighty-seven*, but from Edinburgh to London, *a hundred and thirty-one hours*. At that time, upon a representation from the committee of royal boroughs, to the Post-master General, such regulations were fallen upon, that the mail from London to Edinburgh was on the road but *eighty-two*, and from Edinburgh to London but *eighty-five hours*. * The post has, since that time, continued to travel in good weather, at pretty much the same rates. Modes may easily be pointed out for accelerating its journey; but, at present, it were better that the managers of the post-office would correct the unreasonable tardiness of the London post, which began to take place in harvest last, when both the weather and roads were good.

In the reign of Queen Anne, the English statute of Charles II. and Scots one of William, respecting the post-office, were repealed, a general post-office was erected anew for Great Britain †, Ireland, and America, and nearly the same rates of postage were imposed, which take place at present. By this and a posterior statute, L. 700 were declared to be payable into the Exchequer weekly, out of the first and readiest of the revenues of the post-office; and further, one-third of the surplus of the duties arising by this act, over and above what was levied in the year 1710 ‡, by the former act, and the said L. 700

Y y y 2

weekly,

* These improvements in the department of the post-office were, in a great measure, owing to the unwearied endeavours and attention of George Chalmers, Esq; merchant in Edinburgh.

† An. an. 9. c. 10. George I. an. 3. c. 7. ‡ That is to say above L. 111,461, for that was the gross amount of the post-office revenue, A. D. 1710, and also over and above L. 700 weekly.

weekly, was declared to be in disposal of the parliament, for the use of the publick.

The privilege of franking letters was claimed by the House of Commons so early * as the regular establishment of the post-office at the restoration ; but it was dropped upon a private assurance from the crown, that this privilege should be allowed. Accordingly a warrant was constantly issued to that effect ; but, as this privilege had been greatly abused, an act was passed, retrenching † the latitude formerly exercised in franking, but confirming by authority of parliament such exertion of it as was thought consistent with expediency. This statute was, indeed, highly necessary ; for such were the abuses that had crept into the practice of franking, that the amount of franked letters had gradually increased from L. 23,600, in the year 1715, to L. 170,700, in A. D. 1763. In the year 1765, the postage of letters carried only one stage, was reduced in England ‡ from 3 d. to 1 d. in Scotland from 2 d. to 1 d.

It has been already observed, that the revenues of the post-office general of Great Britain amounted

	A. D. 1654 to	L. 10,000
They rose	1663 to	21,500
	1674	43,000
	1685	65,000
	1688	76,318
	1697	90,505
	§ 1710	111,461
Inland office	1715	145,227
Ditto	1744	198,226
Inl. and foreign dit.		235,492
Ditto	1764	432,048

The

* Blackstone's com. v. 1. p. 321. † George III. an. 4. c. 24. ‡ George III. an. 5. c. 25. || Anderson's origin of commerce, v. 2. p. 122. 182, ; Campbell's political survey, v. 2. p. 256. § Gross produce.

The revenues of the post-office general at Edinburgh amounted

A. D.	1707	to L.	1194
	1730		5399
	1754		8927
	1757		10,623
	1760		11,942
	1774		30,461
	1775		31,147
	1776		31,103

OF THE TRUSTEES OFFICE.

In A. D. 1727, an act was passed, to enable his Majesty * to appoint trustees for overseeing the fisheries and manufactures of Scotland, and applying for their encouragement the sums destined for the improvement of fisheries and manufactures, by the articles of union, and some later † statutes. By this act, the King may appoint for these purposes any number of trustees, not exceeding twenty-one; and they have been appointed accordingly.

This institution has been of great advantage to the country. It is in consequence of this establishment, and of the bounties granted upon the exportation of linen, that this valuable branch of manufacture has risen to any importance. The Board of Trustees dispose annually of L. 4000, and upwards, in such manner as appears to them most conducive to the improvement of manufactures. They have appointed at Edinburgh a professor, with a handsome salary, for instructing, *gratis*, young people of both sexes, in those branches of drawing connected with arts and manufactures. They bestow premiums upon those who produce the best piece of goods in various branches of Scots manufacture; on those who raise the greatest quantity of good flax, &c. They, in the year 1766, opened a hall at Edinburgh, (the British Linen Hall), for the custody‡ and sale of Scots linens, which the owners of the goods may sell either by themselves,

* Geo. I. an. 13. c. 25. † Geo. I. an. 5. c. 20. ‡ Concerning the linen manufactures of Scotland, and trade of Edinburgh, see *infra* B. 5.

themselves, or by their factors. For whatever period the goods should remain in the Hall unfold, their respective owners pay nothing to the proprietors of the Hall; but, upon their being fold, 5 s. *per cent.* upon the value of the linens fold, is demanded by way of rent for the Hall. As the opening of this hall was found to be attended with good consequence to the linen manufactures; so, in A. D. 1776, the Trustees extended it upon the same terms to the woolen manufactures of Scotland.

OF OTHER OFFICES IN EDINBURGH ESTABLISHED BY GOVERNMENT.

Besides those already mentioned, there are other offices in Edinburgh appointed by government. These have been established for the purposes of collecting taxes, and managing certain branches of the publick revenue. They are, the Annexed Estates office, the offices of Excise, Customs, Stamps, Salt-duties, Window and House taxes.

OF THE WIDOWS SCHEME.

A fund has been established for a provision for the widows and children of the ministers of the church of Scotland, and of the principals and professors of the universities. This fund is known by the name of *the widows scheme*. A happier institution has rarely been formed in any country, whether we consider the benevolence of the design, the success of the institution, or the admirable solidity of principle upon which it has been constructed. Previous to this institution, ministers widows were frequently reduced to the abject necessity of asking publick charity. They are now supported comfortably and decently. This establishment is entirely owing to the Reverend Dr Alexander Webster, one of the ministers of Edinburgh, who

who has lived to see an experimental proof of the justness of his own calculations.

Various projects had been set on foot, to provide for the widows and children of presbyterian clergymen. These, having proved ineffectual, by reason of their limited nature, or for want of a common rule, and proper authority to enforce it, Dr Webster prepared a scheme, which he laid before the general assembly A. D. 1742, for establishing, by parliamentary authority, a fund for an annuity to the widow of every minister, and a stock for the children of such as should leave no widow.

These were to be founded on an annual tax, payable out of their benefices, and the interest of a capital, arising from the surplus of the taxes during the earlier years of the scheme, when there would be no great burthen on the fund. As the ministers happening to die soonest would have paid least into the common stock, the provisions of widows and children were to be small at the beginning, and to bear an increasing proportion, conform to the sums subscribed by their husbands and fathers. It was, in particular, provided, that, if a minister should die before he had paid towards the fund a sum equal to three years annuity, corresponding to the rate to which he was subjected, then there should be deducted from the annuity due to his widow, or stock due to his children, such a sum as, together with the rates paid by him, (without computing interest thereon), should be equal to three years of the said annuity. But, by the plan, as it was first adopted by the general assembly, and established by * parliament, these deductions were set aside, and the provisions for the widows and children of such ministers as should die soonest were declared to be as great as those who should live longest. A few years experience, however, demonstrated the impropriety of these variations, and obliged the general assembly to recur to the Doctor's original plan, to which effect the authority of parliament was again interposed †.

By

* Geo. II. an. 17. c. 11.

† Geo. II. an. 22. c. 21.

By the plan, as thus established, the provision for the widows and children of clergymen of the established church, and professors in the universities in Scotland, was founded on an annual tax, disposed into four different classes, of L. 2 : 12 : 6, L. 3 : 18 : 9, L. 5 : 5 : 0, and L. 6 : 11 : 3, to be paid by contributors, out of their respective benefices or salaries, the contributors making choice in which class to arrange themselves. The provision was founded also upon a tax on marriages, equal to one year's rate; and a tax upon vacant stipends of L. 3 : 2 : 0 for each half-year. The sums arising from these taxes are appointed to be applied, *1mo*, for defraying the expence of collection, which must not exceed L. 250 *per annum*. *2do*, for raising a fund, or capital, of L. 80,000. *3tio*, for payment of the annuities to widows, and provisions to children, correspondent to the annualrents of their respective husbands and fathers.

By the following table, it appears, that the Doctor's calculations, have been founded on an admirable solidity of principle.

TABLE of the DEATHS of MINISTERS, the number of their WIDOWS and CHILDREN, and Amount of their Provision, according to calculation, and according to fact.

	Calculat.	Fact.	Differ.
It was supposed, that thirty of the joint body of ministers and professors would die annually, thence, from the commencement of the scheme, till the 22d November 1777, being 33 years 8 months	1010	981	29
That they would leave twenty widows annually, thence for the above period	673	645	28
That six families of children would, without a widow, be left annually, thence	202	188	14
That four of the conjunct body of ministers and professors would die annually, without leaving either widows or children; thence	135	148	13
			That

	Calcul.	Fact.	Differ.
That the number of annu- itants at Whitsunday 1778 would amount to	307	305	2.
That the medium of their annuities would be	L. 20 : 0 : 0	L. 19 : 12 : 0	L. 0 : 7 : 6
That the medium of an- nualrentspayablebycon- tributors would be	L. 5 : 5 : 0	L. 5 : 4 : 2	L. 0 : 0 : 10
That the free stock at Martinmas 1778 would be			

Calcul.	Fact.	Differ.
L. 71,560 : 12 : 7	L. 75,088 : 8 : 9 $\frac{1}{2}$	3527 : 16 : 2 $\frac{1}{2}$

The capital was limited to L. 80,000 ; because, about the com-
mencement of the scheme, it was supposed, in consequence of the
return of presbyteries to certain queries transmitted to them, that the
maximum of widows, when the greatest number should come on the
fund, would not exceed 370, in which case, the interest of a capital
of L. 80,000, together with the annual rates, &c. would have been
sufficient to answer all the annual burdens ; but, as it now appears
from the more accurate returns of presbyteries, during a period of
thirty years, and new calculations instituted thereon, by Dr Webster,
that the number of annuitants will, in all probability, amount to
400 in life at one time, the interest of an additional capital of
L. 20,000 will be necessary ; and, as experience has shown many
disadvantages from granting a loan of L. 30 to each contributor,
the last General Assembly ordered application to be made to parlia-
ment, and nominated Dr Webster, their commissioner, to obtain a
new statute, setting aside in future the loans hitherto granted to
contributors, and to allow the surplus of the annual produce to be
lent out for a farther raising of the capital, till it shall amount to
L. 100,000.

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C H A P T E R

CHAPTER V.

OF the Charitable Foundations in Edinburgh—Royal Infirmary—Edinburgh Dispensary—Charity Work-house—Canongate Charity Work-house—Orphan Hospital—Trinity Hospital—Merchant Maiden Hospital—Trades Maiden Hospital—Heriot's Hospital—Watson's Hospital.

OF THE ROYAL INFIRMARY.

THE Royal Infirmary is undoubtedly the most noble of the institutions in Edinburgh reared by the hand of charity. Its purpose is to relieve the diseases of those who are oppressed by poverty.

In A. D. 1725*, the Royal College of Physicians, who had long given advice and medicines *gratis* † to the diseased and indigent, meditated the establishment of an institution, which the state of the poor in Edinburgh rendered so necessary. At that time, a fishing company was dissolved, and the partners were prevailed upon to assign part of their stock to promote this benevolent institution. A subscription, for this purpose, was, at the same time, urged; and application made to the general assembly, to recommend a subscription in all the parishes within their jurisdiction. The assembly most readily granted their request, and sent copies of an act to that purpose to the different incumbents. It met, however, with so little obedience ‡, that ten out of eleven of the whole established clergy of Scotland utterly disregarded it. The sum of L. 2000 being, notwithstanding, procured, the managers opened a small house for reception of the sick poor on the 6th August 1729.

After

* The history and statutes of the Royal Infirmary of Edinburgh.

† A full and distinct history of the Royal Infirmary was this year (1778) published in a treatise by itself.

‡ Maitland's history, p. 451.

After the good effects of this institution, even when on a very limited scale, had been for some time experienced, the contributors towards it were, by royal charter of the 25th August 1736, erected into a body-corporate. After this charter was granted, the contributions increased to a considerable extent; so that the managers have been enabled from time to time to enlarge their scheme, and render it of more general utility. The benevolence and humanity of many individuals have afforded liberal subscriptions. The Earl of Hopetoun, in particular, during the early years of this institution, when * its funds were slender, bestowed upon the Royal Infirmary an annuity of L. 400. In the 1750, Dr Archibald Ker of Jamaica bequeathed to this corporation an estate in that Island of upwards of L. 200 Sterling a-year. In 1755, the Lords of the Treasury gave to the Infirmary L. 8000, which had been destined for support of the invalids; in consequence of which, the managers keep sixty beds constantly in readiness for the reception of sick soldiers. In this year, also, sick servants were begun to be admitted into the Infirmary, a ward having been fitted up for their reception.

But to none has the Royal Infirmary been more indebted than to George Drummond, Esq; who was seven times elected Lord Provost of Edinburgh. As the improvement of the city, and benefit of the community, were ever the objects which he assiduously endeavoured to promote; so this institution was, in a peculiar manner, the object of his publick spirited exertions. The managers of the Infirmary have testified their sense of these obligations, by erecting, in their hall, a bust of him, executed by Nollekins, with this inscription, *‘ George Drummond, to whom this country is indebted for all the benefit which it derives from the Royal Infirmary.’*

In A. D. 1748, the stock of the Royal Infirmary, after paying for the area, building, furniture, &c. amounted to L. 5000. In the beginning of the year 1755, it amounted to L. 7076, besides the Jamaica estate. In A. D. 1764, to L. 23,426. In 1778, to L. 27,074.

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The

* Lord Hopetoun continued this bounty for 25 years.

The house consists of a body and two wings, all of them three full stories high, with an attick one, and garrets. The body of the house is 210 feet long, in the middle, by 36, at the ends, by 24 feet broad. The wings are 70, by 24. The whole is laid out in a judicious and commodious manner. The access to the different floors is by a large stair-case in the centre of the building, so spacious as to admit of sedan chairs being carried up it, and a smaller one in each end. The apartments of the male and female patients are entirely distinct. In them 228 sick people can be accommodated, each in a distinct bed. Besides these, and the apartments for the necessary officers and servants in the house, there are, the managers room, a consulting room for the physicians or surgeons, a waiting room for the students, and a theatre, where upwards of 200 students may see chirurgical operations. The medical and chirurgical patients are kept in distinct wards; there are wards for female patients undergoing salivation, and cells for mad people. There are also cold and hot baths, for the use of the patients, and others for the citizens at large; and to these the patients in the hospital are never admitted. In the disposition of this whole building, nothing has been more anxiously studied than ventilation.

The Royal Infirmary is attended by two physicians, elected by the managers, who visit their patients daily in presence of the students. The chirurgical wards are attended by all the members of the College of Surgeons, each officiating for the space of a month, in rotation, according to seniority. But, when any one, from want of health, or other circumstances, declines attendance, he is not allowed to officiate by a depute of his own appointment; but the care of the hospital is committed to one of four assistant surgeons, chosen annually by the managers. Under such teachers, the hospital at Edinburgh affords as good opportunities for education in medicine and surgery as any other.

But besides this, from an establishment in some measure peculiar to itself, it enjoys other advantages as a school of medicine. That establishment

establishment is the clinical lectures, which have been given there for many years. Two wards are set apart in the hospital for those patients whose cases are the most interesting and singular, the one for men, the other for women. These patients are attended either by one or more of the medical professors in the University, or by any other physicians sufficiently qualified for the office, whom the managers may be pleased to nominate. Here the most minute attention is paid to every circumstance of the diseases during their whole progress; and every industrious student keeps a journal for himself, of the reports taken daily from the mouth of the physician, in which are accurately related all the effects resulting from the use of medicine.

But, besides the knowledge which is thus communicated to the students experimentally and by example, they have farther the advantage of hearing the grounds of this practice afterwards fully illustrated and explained in lectures. In short, it is hardly possible to conceive any plan of medical education better fitted for communicating useful knowledge; besides other advantages from the number of students who attend the hospital, (each of whom pay three guineas annually), a very considerable fund arises from their fees for defraying the expences of the house.

To add any thing concerning the care and attention which are bestowed upon the patients, would be very superfluous, since, in the following table, there is such an experimental proof of the success with which that care and attention have been blessed.

ACCOUNT of PATIENTS in the ROYAL INFIRMARY at Edinburgh, from 1st January 1762, to 1st January 1776.

In the hospital 1st January 1762	109
Admitted into it during the years 1762, 3, 4, 5, 6, 7, 8, 9	6261
Total in the hospital from 1st Jan. 1762, to 1st Jan. 1769	6370
	Of

Of these there were cured	4394
Dismissed, relieved	540
Incurable	108
Dead	358
For irregularities	106
Dismissed by desire, or gone out of their own accord	732
Remaining in the hospital 1st January 1770	132
Total of cured, dismissed, &c. &c.	6370
In the hospital 1st January 1770	132
Admitted that year	1170
Total	1302
Of these there were cured	791
Dismissed, relieved	188
Incurable	7
Dead	57
For irregularities	23
Dismissed by desire	91
Remaining in the hospital, 1st January 1771	145
Total of cured, dismissed, &c.	1302
In the hospital 1st January 1771	145
Admitted that year	1454
Total	1599
Of whom there were cured	1071
Dismissed, relieved	206
Incurable	12
Dead	66
For irregularities	11
Dismissed by desire	90
Remaining in the hospital, 1st January 1772	143
Total	1599
In the hospital January 1st 1772	143
Admitted	1447
Total	1590

Of

Of these cured	1078
Relieved	180
Incurable	10
Dead	54
Dismissed as irregular	11
Dismissed by desire	84
Carried on to next year	173
Total	1590

In the hospital January 1. 1773	173
Admitted	1709
Total	1882
Of these cured	1392
Relieved	158
Incurable	21
Dead	79
Dismissed as irregular	5
Dismissed by desire	39
Carried on to next year	188
Total	1882

In the hospital January 1. 1774	188
Admitted	1696
Total	1884
Of these cured	1410
Relieved	146
Incurable	8
Dead	62
Dismissed as irregular	4
Dismissed by desire	87
Carried on to next year	167
Total	1884

In the hospital January 1. 1775	167
Admitted	1795
Total	1962
	Of

Of these cured	1560
Relieved	101
Incurable	8
Dead	61
Dismissed as irregular	8
Dismissed by desire	40
Carried on to next year	184
Total	— 1962

From this table, it appears, that, from A. D. 1770, to A. D. 1775, *inclusive*, the number of patients admitted annually, at an average, has been 1567, and of deaths 63; so that the proportion of deaths annually, has been nearly as one to twenty-five. But, in the year 1776, there were admitted 1668 patients, of whom there died 57; and in A. D. 1777, there were admitted 1593, of whom there died 52; so that, in these two years, the proportion of dead to surviving patients was nearly as one to twenty-nine. If Dr Price's calculations * and conclusions respecting the city of Edinburgh are just, how fortunate are those of its inhabitants, *who are* † *sick patients in the Royal Infirmary?*

OF THE PUBLIC DISPENSARY.

The Public Dispensary of Edinburgh was founded by Dr Duncan, physician there, A. D. 1776. This establishment is also intended for the benefit of those who are at once subjected to poverty and sickness. But, to avoid any interference with the Royal Infirmary, it is entirely confined to those whose diseases are of such a nature, as to render it either unnecessary or improper, that they should be admitted into an hospital.

Patients

* See Book 3. c. 1.

† It must, however, be observed, that, although the patients under acute diseases are never sent out of the house till the disease terminates in recovery or death, still some of the patients may die of other distempers, and in other places, which deaths do not fall within this account,

Patients who are deemed proper objects for this charity, receive advice at the Dispensary from the physicians of that charity, who give regular attendance for that purpose, at a certain hour, four days in the week. A full account of the disease of every patient, taken down in writing by the medical assistant at the Dispensary, is inserted into a register kept for that purpose; and, to the history of the case, there are afterwards subjoined regular reports of the progress of the disease during the course of the patient's attendance at the Dispensary, and of the effects resulting from the medicines which are employed.

From the funds of the Dispensary, the patients who are admitted to the benefit of this charity, are supplied with medicine *gratis*; and, as the physicians officiate without any salary, this is almost the only expence attending the charity. It is computed, that, from an annual revenue of L. 100, upwards of five hundred patients may be admitted to the benefit of it. But, while a small sum may be thus extensively useful, the Dispensary has farther the advantage of being a charity of such a nature, that it can hardly be abused; for, as the patients receive nothing but medicines previously compounded, these cannot possibly be appropriated to any other purpose but for the recovery of their own health.

The annual expence of this institution is defrayed from two sources; from charitable contributions given by the humane and benevolent, and from a small annual fee, exacted under the name of medicine-money, from students of medicine who attend the lectures given by the physicians of the Dispensary, on such singular and important cases as occur.

The utility of this institution, as giving a foundation for medical lectures, must be great. It is universally admitted, that no branch of medical education is better calculated for conveying useful information to students, than proper remarks on diseases, as they occur in practice; and, as the benefits of this charity are entirely confined to particular chronical diseases, the students have here an opportunity

of seeing the treatment of cases, which it would even be cruelty to admit into an hospital, and of hearing this practice illustrated and explained. While, therefore, the number of medical students at Edinburgh continues to be as great as it is at present, the fees collected from pupils will probably furnish a sum by which the benefits of this charity may be extended to a considerable number of indigent individuals.

But, as this must always be a precarious and limited source, it is intended, that this charity should be farther supported by voluntary contributions from the inhabitants. Every person subscribing one guinea to the funds of this charity, is entitled to hold the rank of governor for the space of two years after his subscription is paid; and every one subscribing five guineas, becomes a governor for life.

The physicians and other officers to this charity are elected by the governors. Patients recommended by governors, are admitted to the benefits of it, in preference to all others; and every part of the charity is superintended by a committee of governors, who are chosen annually, at a general meeting held for that purpose, on the last Monday of January.

During the first year, upwards of two hundred and twenty patients were admitted to the benefits of it.

ACCOUNT of PATIENTS treated at the DISPENSARY at Edinburgh for two years, from 1st November 1776, to 1st November 1778.

	from 1776 to 1777	to 1778
Cured	79	221
Relieved	57	110
* No better	39	137
		Dead

* Among the patients dismissed from the Dispensary *no better*, are included not only those who were considered by the physicians to be incurable, or who were dismissed at their own desire, but likewise all those to whom it was recommended to reside, for some time, at a distance from Edinburgh, or to apply for admission into the Royal Infirmary, as changes which had taken place in their diseases, rendered confinement necessary for their recovery.

	from 1776 to 1777	to 1778
Dead	5	3
Remaining under treatment	42	40
Total supplied with medicine 1st year	222	2d year 511

OF THE CHARITY WORK-HOUSE.

To establish a proper mode for supporting the poor, is a matter of much importance, and * appears to be attended with great difficulty. The nature of our work will not admit a disquisition into this subject; we cannot, however, pass it over in silence.

No legal establishment providing and compelling charity for the poor, has hitherto been put upon a proper footing. Indeed, the moment that compulsion takes place, charitable motives are at an end. The poor laws in England are almost equally pernicious to those who pay, and those who receive the benefit. Upon the wealthy and industrious, they are gross oppression; to the indigent labourer they are enticement to idleness and debauchery; to a set of rapacious managers for the poor, they are alone acceptable; as to them, they are a fund of speculation, gluttony, and drunkenness. This very circumstance, which ought, in a double manner, to render poor-rates odious and abominable, has, in many places, been a motive towards their establishment. The citizens of Edinburgh are often exposed to undue attempts to saddle them with unnecessary impositions. It is rare that many years elapse without a proposal for a new tax upon them, as if the exigencies of the state did not require them to be taxed sufficiently.

At one time, (1758), one class of people proposed to levy 6 d. a pound on the whole real rents of Edinburgh, on pretext of the city's

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being

* On this subject, see an admirable treatise by Lord Kaimes, Sketches of the hist. of man, Book II. sect. 10.

being in want of water ; but the scheme being defeated by opposition from the inhabitants, means were found to have the city-well supplied with water, without laying on the inhabitants a single farthing. At another time, (1773), it was proposed, that, as the sum collected, at a medium, for supporting the Charity work-house, fell short L. 94 : 19 : 6 annually, of the expence of its maintenance, a poors-rate should be imposed of eight *per cent.* on the valued rent of the city, which, as its valued rent, without including the Canongate and Leith, exceeds L. 40,000 *per annum*, would have amounted to L. 3200 a year ; or, in other words, out of L. 3200 a year proposed to be levied from the inhabitants, not a two and thirtieth part was necessary. This modest proposal was also defeated by opposition from the inhabitants, who made up the deficiency by a voluntary contribution.

At a period still later, (1775), another class of people proposed a scheme, which, had it been to cost nothing, would have almost ruined the property in the antient and extended royalties ; for which destruction of their property, the sufferers were to pay a tax, probably not under L. 3000 *per annum*. This scheme being deemed still more incongruous, it also was strenuously opposed, and fell, to rise no more.

A poors rate would be still the more oppressive in Edinburgh, since, if it was not made general over Scotland, the number of beggars flocking to the place, would probably increase in proportion to the provision made for them. Even charity work-houses are by no means found to be attended with the good consequences which were expected from them.

Setting aside a poors-rate, they are the most uncomfortable for the poor, the most productive of vice, and the most expensive to the publick, of any mode of provision invented for support of the indigent. They are the most uncomfortable for the poor, and productive of vice ; because they strip the mind alike of every motive to action and source of pleasure. The idle are provided for ; and most
of

of the fruits of the industrious goes to the hospital. When people labour under bodily distress, disabling them from work, and, at the same time, are reduced to poverty, almost the only pleasure they can enjoy is from a reciprocal exercise of the social duties and affections. Now, in a charity work-house, these are almost compleatly eradicated. Farewell friends and family, parents and children. Instead of these, the pauper finds himself in a motely croud of the profligate and the good. He can no longer gratify these tender feelings, nor reap from them, in return, those kind offices, which his age, his infancy, or his disease, renders so requisite. He breathes the noxious air of an hospital, and, be his appetite keen or weak, be he in health or sickness, the quality and proportion of food allowed him are generally the same. How destructive, in particular, a publick hospital is to infants, needs not be pointed out. It is the most expensive to the publick ; for, notwithstanding all the frugality that is studied, it is found, that the whole persons in the house, young and old, cost, at an average, L. 4 : 10 : 0 yearly. Now, a journeyman in Edinburgh, unless of the better sort, rarely earns more than L. 14 a year. Suppose him married, and that he has three children ; and this surely is no extraordinary case ; out of the L. 14 must be deducted L. 2 for house-rent, and publick burthens ; and from the remaining L. 12 his family, of five persons, is maintained. That is to say, an industrious man can make shift to live comfortably upon L. 2 : 8 : 0 a year for his family overhead ; whereas a publick beggar is uncomfortably supported upon L. 4 : 10 : 0.

It appears, then, that publick hospitals for beggars are an improper institution, and that it were better to maintain them in their own houses. Indeed, we do not think the feelings of compassion are so much extinguished, that there is a necessity for establishing any compulsory laws for raising a fund for the poor. Few people can see, without pain, a horse or a dog pinched by want, or oppressed by disease, far less a human creature. It is probable, that a sufficient sum would always be got for maintaining the poor, were a
voluntary

voluntary collection made monthly, or oftener at each house, for the poor of the parish; and a list kept of the heads of families, with an account of what each master of a family respectively gives. Or, if that should fail, the mode of allowing the landholders in each parish to impose a tax in their respective bounds, the one half payable by themselves, the other by the tenants and possessors, as directed by act of Charles II. parl. 1. sess. 3. c. 16. is perhaps as proper as any compulsory mode for their provision that can be devised.

It would appear, that Maitland, in his history of Edinburgh, has given an accurate septenary * account of the number of burials in Bristol down till A. D. 1748. He also gives an account of those in Edinburgh for the same period. By calculating the number of inhabitants in both cities, upon the *data* of burials, and supposing both towns to be equally mortal, he, with every allowance in favour of Bristol, makes the inhabitants of Edinburgh, at that period, to exceed in number those of Bristol by 2436. How much this city may have increased since that period, we know not; the former, we know, has increased vastly †. Anderson, in his origin of commerce, makes the number of inhabitants in Bristol in A. D. 1758 to amount to 100,000. This, indeed, he does upon the most vague of all grounds, an anonymous calculation in a periodical paper, and his subsequent perambulation of the streets for two successive days. According to Lord Kaimes, the number of poor in Bristol, about A. D. 1773 ‡, amounted to 10,000. If this fact be well founded, even reckoning the number of its inhabitants upon the largest scale, How important the conclusion? In that city, where heavy poor's-rates are established, a city where wealth abounds, and commerce flourishes, the number of poor amounts to 10,000. In Edinburgh, again, where the number of inhabitants is probably not much different, where the provision for the poor is more moderate, and where there

* Maitland's hist. p. 221.
Book 2. sect. 10.

† Anderson, v. 2. p. 422.

‡ Sketches of man,

there are infinitely less wealth and commerce, the number of publick poor does not exceed* 1800.

The Charity work-house of Edinburgh was built A. D. 1743, the expence being defrayed by a voluntary collection made among the different societies and individuals in the place; and the house was opened for reception of the poor that same year at Midsummer. The poor are employed in such pieces of labour as they are best fitted for †, and are allowed two-pence out of every shilling they earn. The number of persons maintained in it from 1st January 1777 to 1st January 1778, was,

Of men and women 484. Out of whom died 52.

Of children ‡ 180. Out of whom died 9.

The expence of their maintenance amounted to L. 4 : 11 : 7 each, over-head. The expence is paid by a tax of two *per cent.* on the valued rents of the city; by the half of the profits of the Ladies Assembly-room; by the collections at church-doors, and other charitable donations; and by what is got for any labour performed in the house. If there is any deficiency, it is supplied by a voluntary contribution among the citizens.

The government of the house is vested in ninety-six persons, who meet quarterly; but its ordinary affairs are under the direction of fifteen managers, who meet weekly. There are a treasurer, chaplain, surgeon, and other officers.

OF THE CANONGATE CHARITY WORK-HOUSE.

The Canongate Charity work-house, like that of Edinburgh, was built by subscription among the inhabitants. It was opened for the reception

* In this number, the boys who are educated in Heriot's hospital, those in all the other hospitals and poor's-houses in Edinburgh and the suburbs, and the poor in North and South Leith, are included. † The value of the whole work performed by the poor in the Charity work-house last year, being 664 in number, was L. 293 : 2 : 8.

‡ It is to be observed, that children under two years of age are not kept in the Charity work-house of Edinburgh, Canongate, or St Cuthbert's.

reception of the poor in the year 1761. The number of persons maintained in the house is about 90; and there are besides about 40 out-pensioners; the annual expence is about L. 500. This is defrayed chiefly by collections at the church-door, and by voluntary contribution, no assessment whatever being laid upon the inhabitants. The management of the house is vested in persons chosen annually from among the publick bodies and societies in the Canongate. The managers have weekly and quarterly meetings; and, in general, the business and the funds of this hospital are conducted with attention, and administrated with fidelity. The number of persons maintained in the house, at a medium, in A. D. 1777, was,

	Of men and women 62.	Out of whom died 7.
	Of children 36.	Out of whom died 1.
In 1778.	Of men and women 60.	Out of whom died 3.
	Of children 36.	Out of whom died 2.

OF THE WEST KIRK POORS-HOUSE.

The West Kirk poors-house was built A. D. 1761, and opened for the reception of the poor on the 27th May 1762. Like those of Edinburgh and the Canongate, this house also was built by voluntary contribution. The expences of the house are defrayed partly by the collections at the church-doors, by voluntary donations made to the house, and by an assessment on the real property within the parish. The poor in this house are maintained at a smaller expence than those in the Edinburgh and Canongate Charity work-houses, the average expence of each person in the house being only L. 4 : 1 : 6 yearly. The number of persons maintained in it, at a medium, for four years preceding May 1778, was, besides out-pensioners,

	Of men and women 105.	Out of whom died 18.
	Of children 53.	Out of whom died 3.

OF

OF THE ORPHAN HOSPITAL.

An hospital for maintaining and educating orphans was planned by Andrew Gardiner merchant, and other inhabitants of Edinburgh, A. D. 1732. The plan was countenanced by the society for propagating Christian knowledge, and other societies and individuals; and it was assisted by a liberal subscription, and by collection at the church-doors. In November * 1733, the managers of this charitable institution hired a house, took in 30 orphans, maintained them, and instructed them in reading and writing, and in the weaving business. In the year 1735, they were erected into a body-corporate, by the town-council of Edinburgh. In A. D. 1742, they obtained a charter of erection from his late Majesty, appointing most of the great officers of state in Scotland, and the heads of the different societies in Edinburgh, members of this corporation, with powers to them to hold real property, to the amount of L. 1000 a year. The revenue of this hospital is very inconsiderable. It is chiefly supported by benefactions from charitable persons, and a proportion of the sums collected at the church-doors. Its benefits are not confined to the citizens of Edinburgh; but orphans from any quarter of the kingdom are received in it. None, however, are admitted into it under seven years of age, nor continued in it after they are fourteen. At that time of life, the managers are seldom at a loss to dispose of them, the young folks generally choosing to follow trades; and the public entertaining so good an opinion of the manner in which they have been brought up, that manufacturers and others are very ready to take them into employment. There are about one hundred orphans maintained in this hospital.

OF THE TRINITY HOSPITAL.

The Trinity College church and hospital were founded by Mary of Gueldres, consort of James II. and amply endowed. At the re-
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formation,

* Maitland's hist. p. 464.

formation, this institution suffered the fate common to other popish establishments *; it was despoiled of its revenues. The Regent Murray, however, bestowed them on Sir Simon Preston, provost of Edinburgh, who generously gave them to the citizens for the use of the poor. Their right to this property, however, was not complete till A. D. 1585, when the town-council purchased from Robert Pont, then provost of Trinity College, his interest in these subjects; and the whole transaction was afterwards ratified by James VI.

The old hospital † being in a ruinous condition, part of the buildings formerly occupied by the provost and prebends was fitted up for the reception of the poor. It was destined for the support of decayed burghesses of Edinburgh, their wives, and unmarried children, not under fifty years of age. Five men, and two women, were admitted into it; and the number gradually increasing, amounted, A. D. 1700, to fifty-four persons. It was found, however, that the funds of the hospital could not then support so many; and the number of persons maintained in it has frequently varied. At present, there are maintained within the hospital 40 men and women; and there are besides 26 out-pensioners. The latter have L. 6 a year; the former are maintained in a very comfortable manner. Each person has a convenient room. The men are each of them allowed, of cloaths, a hat, a pair of breeches, a pair of shoes, a pair of stockings, two shirts, and two neckcloths, yearly; and every other year a coat and waistcoat. The women have yearly a pair of shoes, a pair of stockings, two shifts, and every other year a gown and petticoat. For buying petty necessaries, the men are allowed eight shillings and eight-pence, the women, six and six-pence, yearly. Of food, each person has daily allowance of twelve ounces of household bread; and of ale, the men of a Scots pint each, the women, of two-thirds of a pint. For breakfast, they have oat-meal porridge; and for dinner, four days in the week, broth, and boiled meat, two days, roasted meat, and each Monday, in lieu of flesh, the

* See Book II. c. 3.

† Maitland's hist. p. 480.

the men are allowed two-pence, the women, threehalf-pence a piece. The fleshes allowed them are beef, mutton, or lamb, the most reasonable in their prices. There is also a small library for their amusement.

This institution appears to be so much calculated, not barely for the subsistence, but also for the comfort of the indigent persons, for whose relief it is intended, that it must be allowed to wear a truly beneficent aspect. Yet, the behaviour of the persons maintained in this hospital, although they are a class above the vulgar, and are so comfortably subsisted, supports the argument against maintaining the poor in a congregate body, and publick poor's-house. The quarrels and riots among them were so frequent, the selling the victuals allowed them, and applying the price to improper purposes *, and their nasty way of living, (to which the poor people in Scotland are exceedingly addicted), as aroused very lately the attention of the governours, endeavouring to correct these abuses. Indeed, the mob seems a monster so little affected by reason, and so powerfully influenced by religion, that frequent ablutions ought to be inculcated, as a part of the Christian, as it has been of the Jewish and Mahometan religions; and to this, the ceremony of baptism, in the Christian dispensation, seems particularly to point. The publick have viewed this institution in so favourable a light, that it has been enriched by many pious donations, especially from the citizens of Edinburgh. The present funds of the hospital are, a real estate in lands and houses, of gross rent of L. 762 a year, and L. 5500 lent out in bonds at 4 *per cent*. Its expences from 1st November 1777 to 1st November 1778, publick burthens included, were L. 894. The town-council of Edinburgh, ordinary and extraordinary, are governours of this hospital.

* Council reg. 29th July 1778.

OF THE MERCHANTS MAIDEN HOSPITAL.

This charitable foundation was established in the end of the last century, by voluntary contribution, to which the company of merchants in Edinburgh, and Mrs Mary Erskine, a widow gentlewoman, lent particular assistance. It is destined for the education and maintenance * of young girls, daughters of the merchant burghesses of Edinburgh. The governours were erected into a † body-corporate by act of parliament A. D. 1707. At present, 70 girls are maintained in this hospital. Its gross annual revenue is no less than L. 1350; yet the girls, upon leaving the house, (except a few who get L. 8 : 6 : 8), receive only L. 3 : 6 : 8 out of the hospital's funds; but the profits arising from work done in the house are also divided among the girls, in proportion to their industry.

OF THE TRADES MAIDEN HOSPITAL.

The incorporations of Edinburgh, excited by the good example of the company of merchants, became desirous to establish, for the daughters of decayed members, an institution similar to that just mentioned. A contribution was accordingly made among the different companies of artificers in Edinburgh, and an hospital fitted up about the year 1704, destined for the education and support of decayed trades-burghesses of Edinburgh. This establishment was ratified in parliament, by an act similar to that incorporating the governours ‡ of the Merchant Maiden Hospital; and Mrs Mary Erskine, the beneficent foundress of the Merchant Maiden Hospital, extended her charity in so liberal a manner, to that destined for the daughters of tradesmen, that its governours voted her *joint foundress* of this hospital also, and gave other testimonies of gratitude for her bounty. Fifty girls are maintained in this house. They pay of entry-money, when admitted into it, L. 1 : 13 : 4; and, when they leave it, they receive

* Maitland's hist. p. 460.

† An. parl. 1. sess. 4.; Unprinted acts.

‡ Ibid.

a bounty of L. 5 : 11 : 1½. The present revenues of the hospital amount to about L. 600 a year.

OF HERIOT'S HOSPITAL.

George Heriot, the founder of this hospital, was a goldsmith in Edinburgh. He bore his father's name, and followed his occupation. It appears from his contract of marriage with the daughter of a merchant in Edinburgh, 14th January 1586, that the provision settled on him by his father, joined to the dowry he got with his wife, amounted in all to L. 214 : 11 : 8 Sterling. In the year 1597, he was appointed goldsmith to Anne of Denmark, James VI.'s Queen; and soon after, he was appointed goldsmith and jeweller to the King. Upon his Majesty's accession to the throne of England, Heriot followed his master to London. Being a widower, he came to Edinburgh, and, in A. D. 1608, took a second wife, with whom he got a dowry of about L. 333. He returned to London, survived his second wife also, and died there on the 12th February 1624, without leaving any lawful children.

Of what wealth Heriot died possessed, is uncertain, but probably it was not under L. 50,000. He left legacies to two natural daughters, and to his other relations and friends, to a great amount. The residue of his estate he left to the town-council ordinary, and the ministers of Edinburgh, in trust, for building and endowing an hospital for the maintenance and education of indigent children, the sons of burghesses of that city. The town-council and ministers employed Sir John Hay of Baro, afterwards clerk-register, to settle accounts with Heriot's executors in England. By the account settled between Sir John Hay, and the governours of this Hospital, 12th May 1627, and since approved of by * decree of the Court [of Session, the sum received by the governours, after deducting legacies, bad debts, and compositions for debts resting by the crown, amounted

* Extracted decree of the Court of Session, Alexander Brown and others, against the governours of Heriot's Hospital, 20th November 1766.

ed precisely to twenty-three thousand six hundred and * twenty-five pounds ten shillings and three-pence halfpenny Sterling.

The governours began to raise the magnificent fabrick called *Heriot's Hospital*, in July 1628, according to a plan of Inigo Jones, as is reported, and adopted by Walter Balcanqual, Doctor of Divinity, one of the persons whom Heriot appointed to superintend the execution of his latter will. The national disturbances which arose A. D. 1639, for some time interrupted the work; but it was renewed A. D. 1642, and finished in the year 1650, at an expence of upwards of L. 30,000 Sterling †; and Cromwell having taken possession of Edinburgh, after the battle of Dunbar, quartered his sick and wounded soldiers in the hospital. To this purpose, the hospital continued to be applied till A. D. 1658, at which time General Monk, commander of the English forces, at the request of the governours of the hospital, and upon their offering to accommodate the soldiers elsewhere, removed them from the hospital. It was opened for the reception of the sons of burghesses, and 30 boys admitted into it, on the 11th April 1659. In August thereafter, they were increased to forty, and in the 1661, to fifty-two. In A. D. 1753, the number of boys was raised to a hundred and thirty; in 1763, to a hundred and forty, but the present number of boys maintained in it is a hundred and ten.

Nothing can be more groundless and calumnious than that charge of mismanagement and embezzlement of the hospital's revenues, so frequently thrown out against its managers; a charge suggested, partly by Maitland's blunder already mentioned, but chiefly made
use

* Where Maitland had collected his most erroneous account of George Heriot's effects, we know not. First he makes the stock with which Heriot set up trade, to be L. 143 : 1 : 0 Sterling, instead of L. 214 : 11 : 8. This proceeded from his not adverting to the change in weight in nominal pounds. He then makes the sum received out of Heriot's effects, by the governours of the hospital, to be L. 43,608 : 11 : 3, being almost the double of what they really got. This last blunder has been the cause of many unjust murmurings against the magistrates of Edinburgh, and even been the means of spiriting up law-suits against them.

† It is to be observed that money then bore L. 10 *per cent.* interest.

use of as a popular topick for scandalizing the magistrates of Edinburgh, when any political job makes it expedient to spread such calumnies. It has been already observed, that the original funds left by Heriot for building and endowing an hospital, amounted to L. 23,625 : 10 : 3 $\frac{1}{2}$, and that the building of the hospital cost upwards of L. 30,000. Now the hospital is at present possessed of a real estate of about L. 1800 a year. The amount of its revenues is, indeed, fluctuating, as the rents are paid in grain. In A. D. 1776, the revenues of the hospital amounted to L. 1966. When Bailie Carmichael, the present treasurer, was appointed to that office, the hospital had incurred arrears to the extent of L. 3000. These are now all paid off, and the hospital is even possessed of some money lent out upon interest: Besides, the apprentice fees were raised in the year 1770, from L. 16 : 13 : 4, to L. 20; and, in 1775, they were augmented to L. 30; so that there are now about L. 400 a year of the hospital's funds paid in prentice-fees, with lads who go out from the hospital to pursue their respective employments; besides what is paid in sums of L. 10 yearly, for four years, to those lads who prefer a course of academical learning.

In this hospital, the boys are instructed in reading, writing, arithmetick, and the Latin tongue. Their appearance is decent, their manners are generally void of reproach. The state, both of the boys and of the funds belonging to the hospital, is chiefly to be attributed to the truly paternal care and attention which are bestowed upon its affairs by Mr Carmichael the treasurer.

A set of statutes, for the government of this hospital, was compiled by Walter Balcanqual already mentioned.

O F W A T S O N ' S H O S P I T A L .

This charitable foundation is also instituted for the maintenance and education of the offspring of decayed merchants; for boys, the children or grand-children of decayed merchants in Edinburgh.

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The founder, George Watson, was himself descended from progenitors who had long been merchants in that city; but his father died so poor, that young Watson was indebted for his education to the benevolence of his aunt. He served an apprenticeship to a merchant; but, when it was finished, he did not himself set up in trade, probably owing to his want of stock. He went to Holland, where he improved himself as an accomptant; and, upon his return in the year 1676, he entered into the service of Sir James Dick, a merchant, and afterwards Lord Provost of Edinburgh, as his clerk. Upon the erection of the Bank of Scotland, A. D. 1695, Watson left Sir James Dick's service, being appointed accomptant to the bank. He was afterwards appointed receiver of the duty upon ale, payable to the city, and treasurer to the Merchants Maiden Hospital, and to the Society for Propagating Christian Knowledge. In the course of these occupations, he made a fortune of L. 12,000. This, upon his death, which happened in April 1723, he bequeathed towards endowing an hospital for the purposes already mentioned.

Certain merchants, and one of the ministers of Edinburgh, are governours of this hospital. They did not begin to raise a building for the reception of boys, till the year 1738, at which time, the sum left by Watson had, by being lent out upon interest, amounted to L. 20,000. The governours purchased seven acres and a half of the land belonging to Heriot's Hospital, for which they became bound to pay a yearly feu-duty of L. 19 : 12 : 9, and double that sum every twenty-fifth year. In June 1741, twelve boys were admitted into it; the number was gradually increased. In three years it amounted to thirty. At present, double that number of boys are maintained and educated in the hospital. These, as well as those in Heriot's, have becoming attention paid to them. Upon their being put out apprentices, there is paid with them L. 20 of prentice-fee; or, if they choose to go to the College, they are allowed L. 10 yearly for five years; and, upon their attaining to twenty-five years of age, if the

the lads have behaved properly, and not contracted marriage, without consent from the governours, they receive a bounty of L. 50.

The funds of this hospital are vested in the Merchant Company of Edinburgh, for behalf of the hospital. These, at present, amount to about L. 1700 *per annum*.

* * * * *

There is still another charitable benefaction, which though less ostentatiously displayed, is, perhaps, on account of the piety of the motives, as well as wisdom of the design, not less to be applauded. In the year 1741, Captain William Horn bequeathed to the magistrates of Edinburgh L. 3500, the interest whereof * to be given on Christmas day, to the labouring poor of the parishes of St Giles, St Cuthberts and Libberton, who, by inclemency of the season, cannot work. This money the donor appointed to be bestowed in sums not above L. 5 to the largest family, and not below L. 2 : 10 : 0 to the smallest.

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* Maitland's hist. p. 484.

B O O K V.

C H A P T E R I.

OF the Town of Leith—King's-work—South Leith Church—Chapel of Ease—Episcopal Chapel—Harbour—Trade—Tonnage of Shipping—Imports and Exports—Manufactures—Ropes and Sail-cloth—Green Glafs—Soap and Candles—Sugar—Broad Cloth—Linen Manufacture—Silk Gauze—Leather—Coaches their Introduction and Manufacture—Sedan Chairs—Printing and Paper Making—Copper and Tin-plate Workers, and Blacksmiths—Manufacture of Bricks—Sal Ammoniack—Corporations of Leith—Police—North Leith.

LEITH is the Port of Edinburgh. It appears antiently to have gone by the name of Inverleith. The harbour of Leith was granted to the community of Edinburgh, by a charter from King Robert I. A. D. 1329; but the banks of the harbour, or river, belonged to Logan of Restalrig, from whom * the citizens were under a necessity to purchase the bank, or waste piece of ground between the houses and river, for the purpose of wharfs, for the conveniency of shipping; neither, it seems, could they keep shops for the sale of bread, wine, and other mercantile commodities, nor erect granaries for the preserving of corn, till these privileges were purchased from the superior of the ground.

It is obvious, that the situation of Leith, upon the immediate banks of the Forth, is more commodious for trade, than that of Edinburgh, at the distance of two miles from the river. Of this, the inhabitants of the latter were so sensible, that they have fallen upon various expedients to restrain those dwelling in Leith from carrying on trade. To ex-
clude

* Maitland's history, p. 485.

clude them utterly from every branch of commerce, the citizens of Edinburgh purchased from Logan of Restalrig, the superior, an exclusive privilege of carrying on every species of traffick in Leith; of keeping warehouses there, and inns for the reception and entertainment of strangers; and to compleat their oppression, the town-council of * Edinburgh, A. D. 1483. prohibited, under severe penalties, the citizens of Edinburgh from taking into partnership any inhabitant of Leith.

The people of this oppressed town obtained favour with Mary of Loraine, Queen Regent, who resided frequently among them; and, after they had purchased from Logan, at the price of L. 3000 Scots, the superiority of their town, it was erected into a borough of barony by the Queen Regent, who promised to erect it into a royal † borough; but, upon her death, Francis and Mary, in violation of the private rights of the people of Leith, sold the superiority of their town to the community of Edinburgh, to whom it has since been confirmed by grants from successive sovereigns.

Upon the breaking out of the disturbances at the reformation, the Queen Regent perceived the importance of the town and harbour of Leith, as affording a ready inlet to French troops, and she caused the whole town to be fortified. It was accordingly surrounded with a wall strengthened with eight bastions; but this wall went no farther east than the street now called Bernard's-nook. Indeed, beyond that there were no houses, and it would ‡ appear, the land beyond it, presently occupied by the Timber-bush, and the row of houses between that and the harbour, has since been gained from the sea, as a house on the precise situation of the present Weigh-house, is described even in A. D. 1623, to be bounded on the east ‘ *Littoris marini arena.*’

It has been already observed, that, upon the commencement of the civil wars, in the || reign of Charles I. a fortification was erected at Leith by the covenanters. Cromwell built a strong garrison

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at

* Council reg. v. i. p. 19. 20. † Maitland's hist. p. 486. 487. ‡ Charters under the great seal, B. 50. 26th April 1623; General Register office Edinburgh.

|| B. I. c. 3.

at the Citadel, of which although a strong gate with portcullices be still remaining, it was mostly pulled down by * authority of government upon the restoration.

In the north-east corner of the town of Leith, according to its former boundaries, on the spot where the Weigh-house presently stands, there was, of old, a spacious building, which appears to have been a royal residence. It suffered in the general devastation, which the English, under the Earl of Hertford, spread over the banks of the Forth.

The remains of this building, which was called the King's-work, with a garden, and piece of waste land that surrounded it, was erected into a free barony by James VI. and bestowed upon Bernard Lindsay of Lochill, groom of the chamber, or *chamber chield*, (as he was called), to that prince. This Lindsay repaired or rebuilt the King's-work; and there is special mention of his having put its *antient tower* in full repair. He also built there a new tennis-court, which is mentioned with singular marks of approbation in the royal charter, 'as being built for the recreation † of his Majesty, and
' of foreigners of rank resorting to the kingdom, to whom it afford-
' ed great satisfaction and delight, and as advancing the politeness,
' and contributing to the ornament of the country, to which, by its
' happy situation on the shore of Leith, where there was so great a
' concourse of strangers and foreigners, it was peculiarly adapted.' This fabrick, which was reared for the sports and recreations of a court, was speedily to be the scene of the ignoble labours of carmen and porters, engaged in the drudgery of weighing of hemp and of iron. But the street which bounds the antient tennis-court, converted into a weigh-house, still wears the name of the founder, from whom it is called *Bernard's-nook*.

Leith,

* Records of privy council, No. 1. p. 9.

† The *reddendum* in this charter was uncommon. It was to keep one of the cellars in the *King's-work* in repair, for holding wines and other provisions for his Majesty's use; Charters under the great seal, *ut sup.*

Leith, as has been already observed, was a part of the estate of Logan of Restalrig, a wealthy and turbulent baron, whose dark intrigues were finally the cause of forfeiting all his possessions. It lay also within the parish of Restalrig, whose church was ordered by the general assembly, A. D. 1650, to be pulled * down, as a *monument of idolatry*. It was a consequence of this zealous mandate, that the inhabitants of Leith wanted a parish-church for fifty years. During that period, they resorted, for worship, to a large and beautiful chapel, already built, and dedicated to St Mary, which is now distinguished by the name of *South Leith Church*. This place of worship was, in † the year 1609, declared, by authority of parliament, to be the parish-church of the district. This is one of the largest, most handsome, and clean kept, of the presbyterian churches we remember to have seen. Two clergymen officiate in it; the senior is appointed by the crown; his stipend is about L. 150 a year; the junior is chosen by the kirk-session and incorporations.

As the parish-church was not sufficient to accommodate the increasing number of inhabitants, it was proposed by some of the parishioners A. D. 1772, to erect and endow, at their own expence, a chapel of ease, which was to be on the establishment with the church of Scotland. Ground was purchased, and a chapel built accordingly, at the expence of near L. 1700. Its dimensions are 72 feet by 52, within walls; and it can accommodate upwards of 1500 people. To defray the expence, no more than a sum between L. 200 and L. 300 was raised by subscription among the inhabitants; therefore, in order to discharging the debt, no minister was appointed to the chapel for two years. As a congregation was formed, and publick worship celebrated, during that period, the produce of the seat-rents reduced the debt, in November 1775, when the present clergyman was settled, to L. 1100. Mr Burnside was elected minister at the time already mentioned, by the unanimous suffrage of the congregation. His salary, which is paid out of the seat-rents,

amounts

* B. of univers. Kirk, p. 3.

† Unprinted acts, James VI. parl. 20. No. 5.

amounts to L. 110; but, upon the debts affecting the chapel being extinguished, it is to be made equal to those of the ministers of Edinburgh. The debts are now reduced to L. 800. The collections at the door of the chapel are, at present, applied partly to extinguishing its debts, partly towards the support of the poor belonging to the congregation, or parish. The minister is chosen from among preachers licensed by the church of Scotland, with which this congregation, in all respects, holds communion.

Besides these, there is an episcopal congregation at Leith. After the late rebellion, when the persecution was set on foot against those of the episcopal communion in Scotland who did not take all the oaths and formulas prescribed by law, the episcopal meeting-house at Leith was shut up by the sheriff of the county. Persons of this persuasion being thus deprived of the form of worship their principles approved, brought from the neighbouring country Mr John Paul, an English clergyman, who opened this chapel on 23d June 1749. It is called St James's Chapel. Till of late, the congregation only rented it; but, within these few years, they purchased it for L. 200. The clergyman has about L. 60 a year of salary, an organist, of 10 guineas. These are paid out of the seat-rents, collections, and a voluntary contribution among the hearers. It is perhaps needless to add, that there are one or more meeting-houses for sectaries in this place; for, in Scotland, there are few towns, whether of importance or insignificant, whether populous or otherwise, where there are not congregations of sectaries.

But it is to the harbour that Leith, and we may add Edinburgh also, chiefly owe their importance. This harbour is formed by the conflux of the river Leith with the sea. The depth of the water at the mouth of the harbour is, at neap-tides, about nine, but in high spring-tides, about sixteen feet. It was observed, in an early part of our work, that the town-council of Edinburgh, in the beginning of the present century, improved the harbour at an enormous expence, by extending a stone-pier a considerable way into the sea.

sea. In A. D. 1753 *, an act was passed, for enlarging and deepening the harbour of Leith; but, as no adequate means were provided by the statute for defraying the expence, nothing was done in consequence. Yet a plan was soon afterwards formed, for enlarging the harbour upon still a greater scale; for making a canal from it through Bernard's nook to the Glas-house, and from thence westwards, a basin. To carry these expensive projects into execution, a bill was framed, by which an additional duty, from a penny to six-pence a ton, was to be laid upon the tonnage of all shipping in the harbour. But the scheme was dropped, in consequence of a vigorous opposition. In the year 1777, the town-council of Edinburgh considerably improved the harbour, by erecting an additional stone-quay towards its west side. Upwards of 100 ships can lie conveniently in this port. It is accommodated with wet and dry docks, and other conveniences for ship-building, which is there carried on to some extent, as vessels come to Leith to be repaired from the different quarters of the east coast of Scotland.

As we were desirous to bring the trade of Edinburgh under one view, we shall treat, in this chapter, both of the shipping of Leith, and of the manufactures of Leith and Edinburgh.

We had no other means of giving an adequate idea of the trade and navigation of Leith, than by laying before the reader the tonnage of shipping at that port, a list of the articles of commerce, and the average quantity of staple commodities imported or exported. To have annexed the quantity to each article of export and import, would probably have afforded the reader greater satisfaction. He would have been satisfied, however, *at the expence of deception*. The articles of export and import between Leith and foreign parts are so very fluctuating, one year being so considerable, and perhaps the next so trifling, that, to have specified the quantities in any one or two years, would only have led to false conclusions. And to have exhibited a table of exports and imports for such a number of years

as

* Geo. II. an. 27. c. 8.

as to have enabled the reader to make a just inference, would have swelled to a bulk unfuitable to the nature of this work. We have, therefore, thought it more eligible to present the reader with a list of the articles of export and import, adding the average quantities of staple commodities. From this list, from an account of the tonnage of shipping, and from a note of the amount of duties on certain articles collected at the port of Leith, it is submitted to the reader to judge of the extent of its trade and navigation.

An ACCOUNT of the Number of SHIPS and VESSELS that were of, or belonging to the Port of LEITH, their Tonnage, and Number of Men that traded to or from foreign parts; also, the like Account of Coasting and Fishing Vessels for the year, ended 5th January 1778, reckoning each Vessel but once a year.

Foreign Trade.			Coasting and Fishing Trades.		
Number of Ships.	Number of Tons.	Number of Men.	Number of Ships.	Number of Tons.	Number of Men.
* 52.	6800.	428.	44.	3346.	281.

ACCOUNT of IMPORTS and EXPORTS between Leith and Foreign parts.

ACCOUNT of IMPORTS.

From DENMARK.			
Oats	} Considerable quantities when the port is open.	Butter	} Small quantities.
Pease		Cheese	
Barley		Old iron Scull iron	

From

* It is to be observed, that, besides the vessels belonging to Leith, there are employed in the trade ships belonging to other ports in the Frith, and to the north of England, to the amount of about one fourth of the tonnage of the Leith vessels. And that ships in the London trade make, at an average, seven voyages up, and as many down. every two years.

From NORWAY.

Deals, about 15 thousand annually.

Battens

Spars

Handspikes

Oak spokes, for cart-wheels

Harrow bills

Hasel cutts

Fir timber

Middle balks

Small balks

Pailing boards

Wood hoops, for coopers

Oak knees for ships

Tar, last year 3000 barrels

Oak timber

Bar iron

Oars

Tree nails

Stock fish

Barley

Sieve rims

From SWEDEN.

Bar iron, about 400 tons annually

Deals, about 10,000 annually

Battens

Tar, last year 600 barrels

Barrel staves

Handspikes

Spars

Pailing boards

Fir timber

Oats

Barley

From RUSSIA.

Bar iron, about 600 tons annually

Deals, last year 35 thousand

Battens, ditto, 12 ditto

Fir timber

Flax, about 250 tons annually

Hemp

Cordelia

Tallow, last year 200 tons

Hogs bristles

Matts

Wheat

Oats

Barley

Ships masts

Spars

Sieve rims

Feather beds

Oak timber

Linens of different kinds, a considerable quantity

Flax seed, about 1000 barrels annually

Cordage

Cordage
 Elks hair
 Old iron
 Furs
 Knees of oak for ships
 Handspikes
 Neats tongues
 Ifinglass
 Indigo
 Rosin
 Tar, last year 1100 barrels
 Tallow candles
 Hard soap
 Pearl ashes
 Sail cloth
 Pailing boards

PRUSSIA.

Fir timber, last year 1200 loads
 Deals
 Battens
 Pipe and barrel staves
 Wheat
 Oats
 Barley
 Pease
 Pearl ashes
 Flax
 Hemp
 Bar iron
 Scull iron
 Old iron

Ships masts
 Linen yarn
 Weed ashes
 Pot ashes
 Ox and cow hides
 Calve skins

From POLAND.

Weed ashes
 Pearl ashes and pot ashes
 Oak plank, last year 115 loads
 Oak timber
 Clap boards
 Barrel and Kilderkin staves
 Pipe and hoghead staves
 Saltpetre
 Honey
 Spruce beer
 Hogs bristles
 Wheat
 Deals
 Feathers for beds
 Tree nails
 Linens
 Linen yarn
 Linen rags
 Ox and cow hides
 Calve skins
 Beech and elm timber
 Oats
 Barley
 Pease

From

From GERMANY.

Oak timber, last year 116 loads
 Oak plank, ditto, 37 loads
 Oak bark
 Linen rags
 Wheat
 Oats
 Barley
 Beans and pease
 Apples
 Linen yarn, last year 116 tons wt.
 Oak knees for ships
 Earthen ware
 Pearl ashes
 Smalts
 Rhenish wine
 Vinegar
 Pipe, hoghead, and barrel staves
 Firkin staves
 Chesnuts
 Maddar
 Tanned leather, last year 11,000
 pounds
 Seal skins
 Mineral waters
 Beech timber
 Calf pelts
 Horse hides
 Matts
 Flax seed
 Bar iron

Linens
 Wood hoops
 Wooden clocks
 Tree nails
 Carraway feeds
 Juniper berries
 Drugs

From HOLLAND.

Flax, about 350 tons annually
 Flax seed, about 500 hogheads
 annually
 Maddar
 Clover feed
 Matts
 Wood hoops for coopers
 Linen yarn, last year 11,330
 pounds weight
 Old iron
 Butter and cheese
 Cinnamon
 Unbound books
 Garden feeds
 Tanned leather
 Wheat
 Oats
 Barley
 Pease and beans
 Pearl ashes
 Smalts
 Wainfcoats
 Rhenish wine

Oak

Oak bark
 Iron nails
 Cork
 Bridges thread
 Incle
 Wood ashes
 Galley tiles
 Writing paper
 Wooden clocks
 Tarras
 Oakum
 Saccharum Saturni
 White lead
 Mineral waters
 Flower roots
 Burrs for millstones
 Goose quills
 Succus liquoritiae
 Onions
 Hard soap
 Linen rags
 Oak timber
 Goat skins
 Red lead
 Apples
 Vinegar

From FRANCE.

Wine
 Walnuts
 Chefnuts
 Prunes

Cork
 Brandy
 Pickles
 Apples
 Olives
 Succads
 Capers
 Anchovies
 Dried plumbs
 Almonds
 Salt
 Rosin
 Vinegar
 Verdigrease

From SPAIN.

Wine and oil
 Grapes
 Figs
 Almonds
 Raisins
 Lemons and oranges
 Salt
 Cork
 Brandy
 Jesuits bark
 Cow hides
 Reeds
 Lemon juice
 Drugs
 Rosin and turpentine

From

From PORTUGAL.

From IRELAND.

Wine and oil

Butter

Raifins

Cork

From GIBRALTAR.

Salt

Lemons and oranges

Spanish wine

Figs

Portugal wine

Reeds

Onions

From ITALY.

Sumack

Drugs

Drugs

Succads

Levant wine

Rofin

Currants

Sallad oil

From GUERNSEY.

Rough and polished marble

Gum arabic

French, Spanish, and Portugal
wines

Cheefe

Anchovies

Rofin

Brimstone

Cork

From SICILY.

Apples and pears

Brandy

Chefnuts and walnuts

Salt

Pickles

Capers.

From NORTH AMERICA,

Olives

(Before the differences with that
country)

Anchovies

Cows

Rice

Cyder

Indigo

Prunes

Tar

Tar, pitch, and turpentine

Pine plank

Lignum vitae

Barrel and hogthead staves

Ox and cow hides

Deer skins

Otter and raccoon skins

Logwood

Mahogany

Fir plank

Sago powder

Muscovado sugar

Rum

From WEST-INDIES.

Rum

Muscovado sugar

Indigo

Cotton, wool

Cow-hides

Mahogany

Logwood and fustick

Coffee berries

Succads

Pimento

ACCOUNT of EXPORTS from Leith.

To DENMARK.

Coals

Rod iron

Fire grates

Thread stockings

Bricks

Wheat, flour

Small coals

Malt

Haberdashery

To SWEDEN.

To NORWAY.

Lead

Earthen ware

Strong beer

Glass bottles

Tow

Printed linen

Printed paper

Tanned leather

Hard ware

Woolen drapery

Hardware

Woolen drapery

Cotton stuffs

Velverets

Worsted hose

Silk stuffs

Porter

Stone ware

Lead

Tanned leather

To RUSSIA.

Coaches and chariots, with braces
and harness

Silk stuffs

Household furniture

Sadlery ware

Coals

Spanish salt

Strong beer

Glass bottles

Chequered linen furniture

Diaper

Velvets

Worsted stockings

Printed linen handkerchiefs

Fine linen

Clocks

Haberdashery

Hardware

Oil of vitriol

Sal amoniack

Wine

To POLAND.

Coaches and chariots, with braces
and harness

Silk stuffs

Alum

Worsted stockings

Rum

Herrings

Mahogany furniture

Stone ware

Hatts

Small coals

To GERMANY.

Household furniture

Glass bottles

Porter and strong beer

Oil of vitriol

Earthen ware

Millinery ware

Rum

Coals

Sail-cloth

Lead

Carpetting

Worsted stockings

To HOLLAND.

Lead, in 1776, 1650 tons
in 1777, 1500 tons

Salmon

Porter and strong beer

Carpetting

Coals

Oil of vitriol

Spanish and French wine, a small
quantity

Steel

Rod iron

Velveret

Vilveret

Rum

Silk stuffs

Woolen cloth

Earthen ware

Fire grates

Sadlery

To FRANCE.

Coaches and chaises, with braces
and harness. A few

To SPAIN.

Linens and damasks

Strong beer and porter

Iron hoops

Small coals

Sail-cloth

Tarred cordage

Wheat

Wheat-flour

Stone ware

Small beer

Deals and cuts of deals

Barley

Glas bottles

Silk gauze

To PORTUGAL.

Glas bottles

Strong beer

Packing mats

Sail-cloth

Barley and bigg

Wheat

Wheat-flour

Iron hoops

Pipe staves

Dried cod-fish

Small coals

To GIBRALTAR.

Coals and bricks

Linens

Glas bottles

Household furniture

Beer and porter

Iron hoops

To GUERNSEY.

Coals

Glas bottles

To IRELAND.

Porter and strong beer

Barrel staves

Glas bottles

Biscuit

To NORTH AMERICA,

(Before the differences with that
country)

Linens, great quantities

Household furniture

Wearing

Wearing apparel	Household furniture
Writing paper	Wood hoops for coopers
Printing and brown paper	Coals and bricks
Books	French, Spanish, and Portugal
Haberdashery	wines
Stone ware	Negroes clothing
Porter and strong beer	Hats
Saddlery ware	Shoes
Worsted hose	Saddlery ware
Thread ditto	Thread hose
Sewing thread	Sewing thread
Wrought iron	Sugar boilers
Hatts	Nails
Coals	Strong beer and porter
Spades, scythes, and corn hooks	Haberdashery
Waggon wheels	Smiths and joiners tools
Window glafs	Ploughs and furniture
Cordage and sail-cloth	Yetlin pots
Bricks	Blistered steel
Shoes	Iron crows
Carpetting	Mule harness
Lawns and gauzes	Fish oil
Printed linen handkerchiefs	Medicines
Mens shirts	Chaises with harness
Clocks	Sail-cloth and cordage
French, Spanish, and Portugal	Lime and lime-stones
wines	Linen handkerchiefs
Glafs bottles	Wearing apparel
	Wheat, flour, and bread
	Woolen drapery
	Ling fish
	Hulled barley
	Oats, pease, and beans

To the WEST INDIES.

Linens
Herrings

Horfes	Stationary ware
Writing paper	Ships anchors
Books	Cast iron-work
Blanketting	Window fashes
Iron hoops	Cutlery ware

In this account, not only are there no articles of the coasting-trade included ; but, in fact, many of foreign export and import are not comprehended in it. For instance, certain articles of the manufacture of Edinburgh are sent from the port of Leith to London, and thence exported ; these fall to be comprehended in the Custom-house books, not of Leith, but of London. And, *vice versa*, many foreign articles used in Edinburgh, are not imported directly to Leith, but to London, whence they are brought by the London fleet to Leith, and consequently are entered in the Custom-house books of the former of these ports.

A C C O U N T of the Duty paid for Wine imported at Leith, for five years preceding 5th January 1778.

From 5th January 1773, to 5th January 1774	L. 12,871 15 3
From ditto 1774, to ditto 1775	25,277 12 2
From ditto 1775, to ditto 1776	21,108 3 1
From ditto 1776, to ditto 1777	16,646 16 9
From ditto 1777, to ditto 1778	22,706 8 5

In the trade of Leith, the exportation of oysters deserves to be considered. This article began to be exported for the London market in the year 1773. From their beds in the Forth, they are taken to the Medway, and other rivers not distant from London, where they are deposited to fatten for the consumption of the great metropolis. But this trade is carried on with as much avidity for gain, as a profuse heir exerts in pursuit of pleasure ; and both with a similar tendency,

dency, the destruction of the capital, which should afford them a continuance of their respective sources of pleasure. The quantity of oysters exported, has each year grown less, and the price has advanced proportionably. The first year, the oysters were sold at 4 s. *per* barrel. The price has risen gradually, and now amounts to 6 s. In A. D. 1778, 8400 barrels were exported, which, at 6 s. *per* barrel, amounts to L. 2520. Thus it appears, if the oyster-banks on the Forth are not dragged more sparingly, this commodity will be speedily exhausted.

It is a necessary consequence of the shipping, that there should be a considerable demand for ropes, sail-cloth, and cordage. There are three different companies who carry on these branches of manufacture, besides some private manufacturers who deal very inconsiderably. The first of these companies was established in the beginning of this century; and, about twelve years ago, made, perhaps, larger dividends among the partners, than any trading or manufacturing company in the nation. The three companies at present employ 150 weavers, flax-dressers, and spinners of rope-yarn, 60 rope makers, and 450 spinners of flax.

A manufactory of green glass was established at the citadel of Leith, in the middle of the last century. Choppin bottles were sold at 4 s 6 d. *per* dozen, and other bottles in proportion. Soon afterwards, this article was begun to be manufactured in North Leith, where choppin bottles were sold A. D. 1707, at 2 s. 6 d. *per* dozen, and so proportionably †. The present *bottle-house company* was established A. D. 1746. They began work in the bottle-house at North Leith; but, it being burned down during the first year of the partnership, the company, in the year 1747, built a new brick-house on the sands of South Leith, and, the demand for bottles increasing, they built an additional one A. D. 1764. This company is in a flourishing situation. They employ men and boys to the number of 80, besides managers, clerks, &c. The annual expence of carrying on

* Book I. c. 4.

† Edinburgh Courant, No. 237.

both houses, including the duty payable to government, is between L. 8000 and L. 9000 a year. The duty on common bottles, by 19th Geo. II. c. 12. is L. 0 2 4 *per cwt.*

17. by George III. 0 1 2

or 8 s. 4d. *per dozen* L. 0 3 6 *per cwt.*

ACCOUNT of Glass manufactured at Leith for two years.

	Quantity of	Duty on
From 5th July 1776, to ditto 1777	<i>cwt.</i> 12,138 $\frac{1}{2}$	L. 1416 3 9
From 1777, to 1778	15,883 $\frac{1}{2}$	L. 2779 11 4 $\frac{1}{2}$

The branches of manufactures in Leith, next in importance to those already mentioned, are those of soap and candles. These were instituted by William St Clair of Roslin, a gentleman, in whom the happy faculties were united, of a talent for business, and inclination for pleasure. The manufacture of soft soap was erected by Mr St Clair, and some merchants, A. D. 1750; that of tallow candles by the same, in the year 1770; and that of hard soap by David Neilson, also in the year 1770.

ACCOUNT of Soap and Candles manufactured at Edinburgh and Leith for two years.

	Quantity.	Duty.
Soap from July 5. 1776, to ditto 1777	510,439 <i>lib.</i>	L. 3190 4 10 $\frac{1}{2}$
from ditto 1777, to ditto 1778	492,904	3080 13 0
Candles from July 5. 1776, to ditto 1777	337,755 $\frac{1}{2}$	1407 6 3 $\frac{1}{2}$
Ditto from 1777, to 1778	318,111 $\frac{1}{2}$	1325 9 3

Of these articles, three-fourths of the candles are made at Edinburgh, and five-sixths of the soap are made at Leith.

There

There is hardly any branch of manufacture, which, in speculation, affords a more undoubted success to the manufacturer, and more general benefit to the country, than the baking or refining of sugars; and, we will venture to say, that it has been owing alone to the want of capital and conduct in its managers, that it has not hitherto been attended with remarkable success. Were this manufacture properly conducted, a trade might be established between the West Indies, and the east coast of Scotland. Sugars might be afforded to the consumer at an easier rate; the planter and manufacturer might carry on an advantageous species of traffick; and a great sum of money might be saved to the country, which is annually remitted to London for baked sugars.

There are four sugar-houses on the east coast of Scotland, at Edinburgh, Leith, Dundee, and Aberdeen. These, at present, are mostly supplied from Glasgow. Now, supposing every house to use 500 hogsheads annually, these, amounting to 2000 hogsheads, with the usual proportions of rum, cotton, coffee, mahogany, &c. would make cargoes for ten or twelve sail of good ships; and these might return with cargoes of linen, negroes clothing, and the various other articles for which there is a demand in the West Indies. Leith is the most central port for carrying on such trade. Vessels can be fitted out there easier than from the Clyde, and greatly lower than from London. Thus a saving would be made on the article of freight; other charges would be likewise more moderate than either in the Clyde or at London; and the sugars, when landed, would be worth from four to five *per cent.* more to the sugar-houses, than if landed either at Greenock or London. This, added to the savings on freight and charges, would amount to a valuable consideration to the West-India planter, and should, no doubt, encourage him to make consignments to the port of Leith.

A house for baking of sugars was set up in Edinburgh, A. D. 1751, and the manufacture is still carried on by the company who instituted

instituted it. That of Leith was begun in the year 1757, by a company, consisting mostly of bankers in Edinburgh; but in five years their capital was totally lost. For some time the sugar-house remained unoccupied, till some gentlemen from England took a lease of the subject, and revived the manufacture; but, as these wanted capital altogether, and were consequently obliged to fall upon ruinous schemes for supporting a fictitious credit, they were speedily involved in destruction. To them succeeded the Messrs Parkers, who kept up the manufacture above five years. The house was then purchased by a set of merchants in Leith, who, as they began with a sufficient capital, as they have employed in the work the best refiners of sugar that could be procured in London, and who, as they pay due attention to the business, promise to conduct it with every prospect of success.

Besides the branches of manufacture already noticed, cards for combing wool are made in Leith, to a considerable extent; and the ship-carpenters and coopers want not a brisk employment. A cudbear manufacture was lately carried on there by the Messrs Gordons of Leith, in company with Messrs William Alexander and sons of Edinburgh; but, in consequence of disagreement among the partners, and their affairs falling into disorder, it is now dropped.

About 14,000 stones of wool are annually exported from Leith to England. There were, besides, 22,000 stone of wool sold in the Weigh-house of Edinburgh A. D. 1777, of which, but a small part, indeed, is manufactured in that city. Edinburgh was formerly one of the greatest wool markets in Britain. A considerable quantity of woollen goods has always been manufactured there, especially before the union. The occupations of a dyer and wool-comber, branches of the woollen manufacture, formerly flourished in Edinburgh. Now they are almost entirely sunk, the wool that is there made into stuffs and shaloons being mostly commissioned from England ready combed. But the woollen manufacture now promises to revive. Bailie M'Dowal employs about a hundred hands in making broad cloth,

cloth, the most of which is superfine. It is esteemed equal in quality to any brought from England ; and the demand for it is daily increasing. Wool and oil can be imported from Spain into Leith at rather less expence than into London. There is, besides, in the broad cloth manufacture at Edinburgh, when compared with those of the principal manufacturing towns in England, a saving of a double land-carriage of a hundred miles ; first, of the Spanish wool, &c. from London to the manufacturing towns, to be made into stuff ; and, secondly, of the cloths from their respective places of manufacture to the London market. On these accounts, it is probable, that the woollen manufacture may become the staple-trade of the Lothians, instead of vast sums being annually remitted for that article to England. But, however, like all infant productions, whether in the animal, vegetable, or commercial worlds, for a while it will stand in need of encouragement. When we behold the royal patterns of virtue dressed on a birth-day, entirely in English manufactures, we consider them as reproaching, with silent dignity, those who do not encourage such of their country's manufactures, as can satisfy the ordinary purposes of life.

In the woollen branch, too, blankets, carpets, and stockings wrought on frames, are made at Edinburgh ; and premiums are given by the Board of Trustees to those who produce the best specimens of their work, in the different articles of the woollen manufacture.

But, *the linen manufacture* forms the great staple article of the trade of Scotland. It affords an experimental proof of the important and salutary consequences resulting to trade and manufactures, from attention and encouragement being bestowed upon them by the legislature, and by persons of rank and opulence.

Till the year 1727, the linen-manufactures of Scotland were altogether inconsiderable. The petty dealers in this article, instead of endeavouring to procure an extensive sale, by the quality of their goods, grasped at an immediate profit, by those frauds which were
not

not obvious to detection, but which, in the end, were to ruin their reputation and their trade. By a statute of George I. frauds in the culture and preparation * of flax, and in manufacturing of linens, are anxiously guarded against. By the same statute, the King was authorised to appoint any number of persons residing in Scotland, not exceeding 21, trustees for directing and improving the linen and hempen manufactures. These trustees bestowed, and still continue to bestow, premiums for the best specimens of work, in the different branches of the linen, as well as of some other manufactures. A parliamentary bounty, of three-halfpence *per* yard, was soon afterwards granted upon the exportation of coarse British and Irish linens. The British Linen Company, whose institution, A. D. 1746, and the beneficial effects resulting from it, have already been mentioned, introduced and improved the manufacture and bleaching of various fabricks of linen, formerly unknown in Scotland. Yet these are now equal, or superior in quality, to those of the same species which come from abroad; and the prices have, at the same time, been reduced from L. 10 to L. 15 *per cent*. For the further benefit of those concerned in the linen manufacture, the trustees, A. D. 1766, opened a hall at Edinburgh for the reception and sale of linen goods. The keeper of the hall is appointed by the trustees. He is neither allowed to buy nor sell goods. His business is to receive linens and yarns from the manufacturers and dealers through Scotland, to each of whom he gives receipts for the goods they lodge; and these receipts may be used as a fund of credit. The goods may be sold by the holders of these receipts; but they frequently employ Mr George Goldie merchant, Edinburgh, as their factor, who makes annually very considerable sales of linen, as the assortment, quality, and prices of the goods are acceptable to the merchant.

In this manner the linen manufactures of Scotland have increased as follows :

SPECI-

* Geo. I. an. 13. c. 26. George II. an. 24. c. 44.

SPECIMEN of the Quantity of LINEN Stamped *for sale* in Scotland, from 1st November 1727 to 1st November 1778.

		Yards.	Value.
1727 to 1728,		2,183,978	L. 103,312
1746	7,	6,661,788	262,866
1756	7,	9,764,408	401,511
1765	6,	13,242,557	637,346
1775	6,	13,571,948	638,873
1776	7,	14,793,888	710,633
1777	8,	13,264,401	592,023

But, notwithstanding the vast increase of the manufacture of linens in a period of fifty years, this trade is by no means in that flourishing condition which, at first sight, one would be apt to conceive. The prodigious load of publick taxes makes the necessary expences of life higher in Britain than in any European nation. This, joined to some other circumstances, enables foreign nations to afford linens at a cheaper rate, though not of superior quality, than can be done in Britain. To obviate the consequences arising from these taxes, certain duties have been imposed on foreign linens, when *imported* into Britain ; (for there is no prohibition, as in the case of woollen goods of all kinds.) But, when these *foreign linens* are *re-exported*, these duties are drawn back. To counterbalance this draw-back, a bounty is given on the exportation of *British and Irish linens*. It happens, however, (one would think whimsically), that this bounty is confined to brown and white linens only ; and *printed linens*, of *home manufacture*, are positively *excluded* from it ; so that printing the smallest ornament round a handkerchief of British or Irish linen disqualifies *that* linen from receiving the bounty ; while, at the same time, *foreign linens*, imported plain, and *printed* in Britain, are *entitled*, upon exportation, to the draw-back. Thus, by an apparent

inconsistence of the legislature, its intentions to encourage the linen trade, *in so far as they respect printed linens*, are defeated.

In April 1754, the linen manufacture received a severe and unexpected blow. The *whole bounties on British and Irish linens exported*, (excepting sail-cloth), were allowed *to expire*; and, at the same time, the draw-backs on *foreign linens exported* were allowed *to continue*. The fatal effects of this inattention were immediately felt. The quantity of British and Irish linens exported fell, in one year,

From 2,226,769 yards
to 92,407.

Infinite distress was brought upon the country; and the weavers and spinners were reduced to the greatest misery. To remedy these evils, this bounty was renewed in 1756, and again in 1771; but, as it expires with the present session of parliament, a memorial has been presented by the convention of royal boroughs to the Lords of the Treasury, setting forth the state of the linen trade, and praying their Lordships, that this bounty may be renewed, with the other expiring laws of the present session of parliament. There can be no doubt of the success of an application, not barely so reasonable, but so absolutely necessary; for, as the linen trade is now nearly double what it was in A. D. 1754, double ruin must flow from the absolute stagnation of the trade, which would result from an expiry of the bounty.

The distress into which the American disturbances have involved the British empire has been severely felt by the linen manufacturers. Till the late dissensions, linens, in great quantities, were annually exported from Scotland to North America. Upon the demand from that extensive quarter of the globe being cut off, the first consequence was the market being overstocked; the second, a falling off in the quantity manufactured. Accordingly, the linens manufactured in A. D. 1778, fell short of those in 1777, near a tenth part in quantity, and above a sixth part in value.

The

The number of looms employed in Edinburgh in the linen branch is extremely fluctuating; the largest number that has been known is about 1500; at present it is supposed there are upwards of 800. That city has long been famous for making the finest damask table-linen, and linen in the Dutch manner equal to any that comes from Holland. Little of these articles is now imported; whereas, formerly, the nobility and gentry of Great Britain were entirely supplied with them from abroad.

In the weaving business, also, about 90 looms are employed in making silk gauze, flowered and plain; and cotton and linen stuffs are printed to a small extent.

The manufacture of leather in Edinburgh is far from being inconsiderable. There are a number of tan-works about the skirts of the city. The skinners have great employment. Shoes are not only made for the consumption of the place, but quantities have, at different times, been exported to the East and West Indies; and many of the regiments levied since the American war have been furnished with shoes from Edinburgh. There are few glovers; and they are so unskilful in their trade, that most of the gloves used in Edinburgh are brought from London, York, or Perth. But there is another species of the leather manufacture carried on at Edinburgh, and brought to a degree of perfection, of which it is difficult to conceive that commodity to be capable. This is the making of leather snuff-boxes, pen-cases, drinking-mugs, and a great variety of other articles. The leather is brought to such a consistence, as to resemble tortoise-shell exceedingly. Like it, the leather is polished, variegated, and transparent. The hinge of the box is also of leather; and it is executed with a neatness for which Scots tradesmen, in general, are nowise remarkable. This manufacture is carried on by Thomas Clark and Son. It was invented by Clark senior, who got the invention protected during fourteen years, by patent from his late Majesty, granted A. D. 1756. The patent being expired, this branch is now carried on at Birmingham also, and other parts of

England, but not to such perfection as by Clark and Son. The articles of their manufacture are pretty well known not only over Britain, but in most parts of Europe.

DUTY on LEATHER Manufactured in Edinburgh, for two years.

In A. D. 1777,	L. 962 12 7½
1778,	1100 5 0

An article of modern luxury, which, by slow steps, has spread to great extent, furnishes a considerable branch of manufacture in Edinburgh, we mean, the use of coaches.

Coaches were * first introduced into Britain A. D. 1580. A coach is mentioned as coming to Scotland in the suite of the English ambassador † A. D. 1598. But the first introduction of these carriages for the use of the people was in the year 1610. At that time ‡, Henry Anderson, an inhabitant of *Trail found*, or Stralfund, in Pomerania, offered to bring from that country coaches and waggons, *with horses to draw, and servants to attend them*, provided an exclusive privilege of keeping these carriages was secured to him. To this effect, a royal patent was granted him, conferring an exclusive privilege, for fifteen years, of keeping coaches to run between Edinburgh and Leith; for it was only for these towns that this vehicle seems then to have been intended; and it was not allowable to take more than two-pence Sterling for the fare of each passenger.

Coaches and six were first introduced into England, A. D. 1619, by the upstart Villiers Duke of Buckingham, the worthless minion of two || successive Sovereigns. The Earl of Northumberland was so much offended with this instance of Buckingham's vanity, that he ordered eight horses to be put to his own coach. By the end of the
last

* Northumberland household-book, p. 448.

† Scott's history of Scotland, p. 551.

‡ Privy seal record, book 79. p. 225.; MSS. General Register office Edinburgh.

|| Northumberland household-book, p. 448.; Wilson's life of James, p. 130.

last century, coaches and chariots were pretty much used by the Scots nobility ; but they were chiefly designed for the town, not for the road. It has been already observed, that, upon the approach of the King's Commissioner * to Edinburgh, A. D. 1700, he was met, eight miles from the city, by a train of near forty coaches, and these were mostly drawn by six horses.

In the year 1702, one Robert Miller got a privilege of keeping four chaises, to run between Edinburgh and Leith, and excluding all others from keeping chaises to ply between these towns, for a term of nine years. In A. D. 1722, a company obtained from the magistrates an exclusive privilege, for twenty-one years †, of keeping stage-coaches, to run between these towns. Every coach was to contain six passengers ; and the fare for each passenger was 3 d. in summer, and 4 d. in winter. Notwithstanding the monopoly, the business does not appear to have been lucrative ; for, in A. D. 1727, the company presented a memorial to the magistrates, setting forth, that they were losers by the undertaking ; and they were allowed to exact a fare of 4 d. for each passenger in summer, and 5 d. in winter ; and the stables, horses, and provender being burned that same year, a contribution was set on foot, by authority of the magistrates, for enabling the company to replace them. The state of this business is now far different. Without the interference of the publick magistrate, or invidious and illegal monopolies, so great is the concourse of people passing between Edinburgh and Leith, so much are stage-coaches employed, that they pass and repass between these towns daily 156 times ‡. There are also stage-coaches between Edinburgh and most towns of note within forty miles of it ; and two set off weekly for London.

The first mention that we find of hackney coaches in Edinburgh, is in A. D. 1673. At that time, twenty hackney coaches plied in that

* Book I. c. 5. † Council reg. v. 37. p. 214. v. 49. p. 211. v. 51. p. 306. 395.

‡ Each of these carriages holds four persons ; the fare in some of them is 2½ d. and in some 3 d.

that city. Upon * the rebellion 1679, which was terminated in the battle of Bothwell-bridge, the hackney-coach horses of Edinburgh were employed to draw the royal artillery. The city of Edinburgh is exceedingly ill adapted for the use of coaches. In the old town, the lanes and alleys extremely narrow and steep, and the houses piled above each other to a great height, render coaches, except in the high-street, of no use whatever. To the south and west quarters of the city, there is no access for carriages from the high-street, but by St Mary's-wynd; nor is there any to the New Town, or north quarter of the city, but by the bridge. If, on these accounts, the demand for hackney coaches be little, the supply, it must be confessed, is as bad. Not that the carriages themselves are shabby or incommodious; for they are better than the general run of the hackney coaches of London. But there is only one stand of coaches in the city; thither the coaches repair between eight and nine in the morning; about three in the afternoon, they commonly disappear; and, when once put up, the owners will, on no account, set the horses again to a coach under five shillings. It is owing to these circumstances, joined to the great increase of post-chaises, that the number of hackney coaches, which, in A. D. 1673, was twenty, by the year 1752, had dwindled down to fourteen, and that now (A. D. 1778), *there are no more than nine entered hackney coaches in the city of Edinburgh*. But the duty on wheel-carriages in the county of Edinburgh A. D. 1778, was L. 2330.

If the number of hackney coaches be so wonderfully small, that of chairs, again, is very considerable. Sedan chairs, as well as coaches and fix, were introduced into this island by the † Duke of Buckingham. There are at present 188 hackney chairs in Edinburgh, besides about fifty private ones. The street-chairs are to be had on a minute's warning, at all hours of the night or day. The fare is very reasonable; the chairmen are all Highlanders; and they carry the chairs so much better than the Irish chairmen of London, that an inhabitant of Edinburgh who visits the metropolis, can hardly re-

prefs

* Maitland's hist. p. 338.; Woodrow's hist. vol. 2. p. 52.

† Wilson's life of James, p. 130.

prefs his laughter at seeing the aukward hobble of a street-chair in the city of London.

The art of coach making was first set up at Edinburgh about the year 1696; but it was not followed by a tradesman regularly bred to the business, till the beginning of the present century. At first the business consisted only in repairing coaches that had been made at London, and afterwards a few clumsy carriages were begun to be built; but, in the year 1738, Mr John Home coachmaker, who had carried on the business for some time, went to London, where he completely instructed himself in that art. He returned to Edinburgh, provided with suitable work-tools, which, till then, were not so much as known in that city, and he altered his mode of conducting the business; so that, instead of one man being employed as formerly, to execute the different branches of the work, he allotted distinct hands to the constructing of each part of the carriage, by which means the tradesmen soon became expert in their respective lines.

In this manner, the art of coach-making was brought to a perfection, that not only enabled the coach-makers of Edinburgh to supply the nobility and gentry of Scotland with carriages, but also encouraged their exportation.

Carriages were begun to be exported, in a very small extent, from Leith to the West Indies, A. D. 1766. Since that, there has been a demand for them from Holland, Russia, France, and Poland. The value of carriages exported annually from Edinburgh, is about L. 2200.

It has been already observed, that, about forty years ago, there were * only four printing-houses in Edinburgh; they are now increased to twenty-seven. It is within the same period that printing or writing-paper began to be manufactured in Scotland. Before that, papers were imported from Holland, or brought from England. There are now about ten paper-mills in the neighbourhood of Edinburgh; and such is the success of that manufacture, that

* Book III. c. 4.

that little paper for printing is imported ; but writing paper is so indifferently manufactured, that most of this article is still brought from England. Types are made at Edinburgh by Mr Bain ; but most of those used in that city are brought from Glasgow. Painted paper, or paper for hanging of rooms, was begun to be made by Mr Esplin, about the same time with printing paper. At first, Mr Esplin confined himself to two colours, and sold his paper at a shilling *per* piece, consisting of twelve yards. The manufacture was improved by degrees, and a variety of colours and patterns introduced ; so that the painted papers made at Edinburgh may now vie with those that are sent from England ; but vast quantities of painted paper are still poured into Edinburgh from the metropolis.

The copper and tin-plate workers, and blacksmiths in Edinburgh, not only supply the demand for these articles in that city, and many parts of Scotland, but also furnish goods, which are occasionally sent to the West Indies and America. As it is the principal defect in copper vessels, that the tinning is laid on so thin as to wear off speedily, Maurice Crawford, copper-smith in Edinburgh, invented a method of making the copper take on a thicker body of tin, so that the vessels should not need a frequency of tinning. In A. D. 1770, he obtained a patent for an exclusive privilege of tinning copper vessels, after the manner invented by him, for a period of fourteen years. This method is found to answer well, if care be taken, in using of the vessels, that a sufficiency of liquid be kept in them to prevent the tin from running.

There are three brick manufactures presently wrought in the neighbourhood of Edinburgh. Of these, that carried on by Mr Jameson at Brickfield, or Portobello, is the most considerable. The abundant supply of free-stone in that neighbourhood renders brick of little use, but in making partition-walls. About fifteen years ago, there were not above 400,000 bricks made at these manufactures. Such, however, has been the increase of buildings, that
about

about 3,000,000 are now made there annually. Of these, part are exported to Norway, the West Indies, and Gibraltar.

It is needless to remark, that, in such a city as Edinburgh, cabinet and upholstery work must be made, and malt liquor brewed to a considerable extent. The duty on ale brewed in the city and precincts, for the year, ended

5th July 1776, was	.	.	.	L. 7234 12 0½
1777	.	.	.	7788 12 9

Of the spirits distilled there, enough has been said in * another part of our work. We shall only observe, that the poison is not confined to the circle of Edinburgh; but a considerable quantity of it is sent to the north of England.

It remains that we speak of another branch of manufacture, which, till it was instituted in Edinburgh, had resisted all attempts at its preparation, in this division of the world; we mean that of crude sal ammoniac. This manufacture was erected in the precincts of Edinburgh, by Messrs Davie and Hutton, A. D. 1756. It has since been carried on in a manner as extensive as the nature of a work entirely new could well admit. Till its institution, Britain, and the other nations of Europe, were supplied with sal ammoniac from Egypt and India, where alone it was manufactured. It is now prepared in different parts of Britain, as well as on the continent.

* * * * *

The inhabitants of Leith were divided into four classes, and these classes erected into corporations by the Queen Dowager, Mary of Lorraine. These were the mariners, maltmen, trades and traffickers. The first of these consisted of ship-masters and sailors; the second, of malt-makers and brewers; the third, of coopers, bakers, smiths, wrights, &c.; and the fourth, of merchants and shop-keepers.

Of these corporations, the mariners are the most considerable. They obtained from Mary of Lorraine a gift, afterwards ratified by William and Mary, of one penny duty on the ton of goods in the harbour of Leith, for the support of their poor. This duty, which, not many years ago, did not amount to L. 40 a year, now rises from L. 70, to L. 120, in proportion as trade flourishes. For the further support of the poor belonging to the corporation, the shipmasters pay annually sixpence a pound out of their own wages, and the like sum they generously give upon their sailors wages. From these sums, and from property acquired, and money lent from former savings, and donations made to them, this corporation is enabled to pay from L. 600 to L. 700 a year to their poor. Opposite to South Leith church, there is a large house belonging to them, called the *Trinity Hospital*, because originally consecrated to the Holy Trinity. In this house some of their poor used formerly to be maintained, now they are all out-pensioners. Besides other apartments, it contains a large handsome hall for the meetings of the corporation.

Adjoining to the school-house, there is another hospital. It is called King James's Hospital, and bears upon its front the cypher and arms of that Prince. In this house, some poor women belonging to the other corporations are maintained.

As the town of Leith was very ill supplied with water, and the streets were neither properly cleaned nor lighted, an act was * passed in the year 1771, appointing certain persons from among the magistrates of Edinburgh, Lords of Session, inhabitants of Edinburgh and Leith, and members of the corporations of Leith, *Commissioners of Police*, empowering them to put this act in execution; and, for that purpose, to levy a sum not exceeding sixpence in the pound upon the valued rent of Leith. The great change upon the streets of Leith, which has since taken place, shows, that this act has been judiciously prepared, and attentively executed.

Upon

* George III. an. 11. c. 30.

Upon the north-west side of the water of Leith, lies the town of North Leith. It is a part of the barony of Canongate, and is subject to the jurisdiction of the Baron Bailie of Canongate, and of the magistrates of Edinburgh. The communication between this town and South Leith, is by a stone bridge of three arches, which appears to have been founded by Robert Ballantyne, abbot of Holyrood-house, about A. D. 1493. At the end of the bridge is the parish-church, of which the parson has a stipend of about L. 110. He is presented to the benefice by the kirk-session and parishioners.

A P P E N D I X.

No. I.

Excerpt from a Manuscript Play, in the Possession of David Garrick, Esq;

‘ **H** E R E begins the proclamation of the play made by David
 ‘ Lyndsay of the Mount, Knight, in the *play-field*, in the
 ‘ month of the year of God 1555 years.’

‘ Proclamation made in Cupar of Fife.’ (*Ten lines being premised,
 ‘ it goes on thus*) :

‘ Our purpose is, on the seventh day of June,
 ‘ *If weather serve* *, and we have rest and peace,
 ‘ We shall be seen into our playing place,
 ‘ In good array, about the hour of seven.
 ‘ Of thriftiness that day, I pray you cease ;
 ‘ But ordain us good drink against *allewin*.
 ‘ Fail not to be upon the Castle-hill,
 ‘ Beside the place where we purpose to play ;
 ‘ With good stark wine, your flaggons see you fill ;
 ‘ And *had* yourselves the merriest that you may.’

COTTAGER. ‘ I shall be there, with God’s grace,
 ‘ Tho’ there were never so great an price ;

‘ And

* This address was both a prologue to the piece, and an ingenious method of informing the spectators, that their next exhibition should be on the 7th of June; for the piece from which this excerpt is taken, ends thus :

‘ As for this play, I have no more to say you,
 ‘ On Whitsun-Tuesday, come see our play, I pray you ;
 ‘ That same day is the seventh day of June,
 ‘ Therefore get up right early and disjune.’

- ‘ And foremost in the fair :
 ‘ And drink an quart in Cupar town,
 ‘ With my gossip John Williamsoun,
 ‘ Tho’ all the nolt should rair.’

The play goes on in a connected chain, the different characters making their entries and exits till the end of the piece.

As a striking illustration of manners, we were strongly tempted to publish the PADLOCK SCENE, a Spanish custom, which, either seriously or in ridicule, was actually exhibited by our forefathers upon the stage ; but we could not transcribe it without participating the indecency of the original. We must rest, therefore, with observing in general, that the gross allurements with which the suitors courted the nymph’s affections, and the ludicrous attempts which were made to defeat the precaution of the padlock, are circumstantially described. After which, the dotard husband concludes the scene thus :

- AULD MAN. ‘ By my good faith, Bess, that is true,
 ‘ That I suspected you, sore I rue.
 ‘ I trew there be no man in Fife,
 ‘ That ever had so good an wife.
 ‘ My own sweet-heart, I hold it best,
 ‘ That we sit down and take us rest.’

No. II.

No II.

In qua perspicui potest quot librae, solidi, denarii Scotici numerales, ex una argenti libra ponderali variis temporibus essent excusi; simulque pes illius monetae, sive diversi sub diversis Regibus puritatis in ea gradus indicantur.

A. D.	Anno. regni.	Puritas.	Allaia	Nummorum ex libra argenti cuforum valor
		unc. den. gr.	unc. den. gr.	lib. fol. den.
ab anno 1107	{ Alexandri I. Davidis I. Gulielmi.			
ad	{ Alexandri II. Alexandri III. Joannis	11 2 0	0 18 0	1 0 0
1296				
ab anno 1306	{ Roberti I.			
ad		11 2 0	0 18 0	1 1 0
1329				
1366	Davidis II. 38	11 2 0	0 18 0	1 5 0
1367	— 39	11 2 0	0 18 0	1 9 4
ab anno 1371	{ Roberti II.			
ad		11 2 0	0 18 0	1 9 4
1390				
1393	Roberti III. 4	11 2 0	0 18 0	1 12 0
1424	Jacobi I. 19	11 2 0	0 18 0	1 17 6
1451	Jacobi II. 15	11 2 0	0 18 0	3 4 0
1456	— 20	11 2 0	0 18 0	4 16 0
1475	Jacobi III. 16	11 2 0	0 18 0	7 4 0
1484	— 24	11 2 0	0 18 0	7 0 0
1488	{ Jacobi IV. } 1	11 2 0	0 18 0	7 0 0
1489		2		
1529	Jacobi V. 16	11 0 0	1 0 0	9 12 0
1544	Mariae 3	11 0 0	1 0 0	9 12 0
1556	— 14	11 0 0	1 0 0	13 0 0
1565	— 23	11 0 0	1 0 0	18 0 0
1567	Jacobi VI. 1	11 0 0	1 0 0	18 0 0
1571	— 5	9 0 0	3 0 0	16 14 0
1576	— 10	8 0 0	4 0 0	16 14 0
1579	— 13	11 0 0	1 0 0	22 0 0
1581	— 15	11 0 0	1 0 0	24 0 0
1597	— 31	11 0 0	1 0 0	30 0 0
1601	— 35	11 0 0	1 0 0	36 0 0
1738	Georgii II. 12	11 2 0	0 18 0	37 4 0

No III.

Description of the Celebration of the Birth-day, during the Tide of Loyalty.

EDINBURGH, May 29. 1665, being his Majesty's birth and re-stauration day, was most solemnly kept by people of all ranks in this city. My Lord Commissioner, in his state, accompanied with his life-guard on horseback, and Sir Andrew Ramfay, Lord Provost of Edinburgh, bailies, and council, in their robes, accompanied with all the trained bands in arms, went to church, and heard the Bishop of Edinburgh upon a text as fit as well apply'd for the work of the day. Thereafter, thirty-five aged men, in blew gowns, each having got thirty-five shillings in a purse, came up from the abbey to the great church, praying all along for his Majesty. Sermon being ended, his Grace entertained all the nobles and gentlemen with a magnificent feast, and open table. After dinner, the Lord Provost and council went to the cross of Edinburgh, where was planted a green arbour, loadned with oranges and lemons, wine liberally running for divers hours at eight several conduits, *to the great solace of the indigent commons there.* Having drunk all the royal healths, which were seconded by the great guns from the castle, sound of trumpets and drums, vollies from the trained bands, and joyful acclamations from the people, they plentifully entertained the multitude. After which, my Lord Commissioner, provost, and bailies, went up to the castle, where they were entertained with all sorts of wine and sweet-meats; and returning, the Lord Provost countenancing all the neighbours of the city that had put up bone-fires, by appearing at their fires, being in great numbers; which jovialness continued with ringing of bells, and shooting of great guns till twelve o'clock at night; *Intelligencer, p. 91. 1st June 1665.*

No IV.

Order of the Funeral of his Grace James Sharp, Lord Archbishop of St Andrews, and Primate of Scotland, as it was performed at St Andrews on Saturday the 17th May 1679, the Proceſſion moving from the Abbey to the Town Church.

SIXTY-ONE old men, correſponding * to the years of the deſunct's age, each in mourning hoods and cloaks, and bearing on ſtaffs the arms of the archiepiſcopal ſee, impaled with thoſe of the deſunct, one preceding and bearing a little gumphion, the reſt following two and two.

The horſe of ſtate, equipped in furniture, as for the riding of parliament, led by footmen, in his Grace's livery.

Two cloſe trumpets, with mourning banners.

A horſe in mourning, led by footmen in mourning.

The great Gumphion borne on a lance.

The great mourning pencil borne by Sir John Strachan.

The deſunct's ſervants, and thoſe of the nobility and gentry, in mourning.

The magiſtrates of St Andrews.

The magiſtrates of the other royal boroughs.

The magiſtrates of Edinburgh.

Profeſſors of the univerſity of St Andrews.

Clergymen of the dioceſe.

Doctors and other dignitaries in the church.

The rector of the univerſity, uſhered by his three maces.

Gentlemen and Knights, two and two.

The Lords of Seſſion, uſhered by their four ordinary macers.

The nobility according to their rank, two and two.

Two

* Lyon's regiſter of proceſſions, letters of precedence, teſtificates, and forfaiters, MSS. Lyon office, Edinburgh.

Two close trumpets.

A mourning standard, born by Sharp of Houston.

Four coats of arms, two paternal, and two maternal, borne each after the other.

The great mourning banner, borne by Cuningham of Barnes.

His Grace's physician, secretary, and chaplain.

Six pursuivants in their coats,
two and two.

Six heraulds in their coats,
two and two.

The first bearing, on an antique shield, the arms of the see, and of the defunct, impaled; the second, that of the see; the third, the crozier; the fourth, the scarf; the fifth, the gown; the sixth and eldest, the mitre, on a velvet cushion.

The Lord Lyon, King at Arms, in his coat.

The Lord High Chancellor,
preceded by the purse and great mace.

THE COFFIN,

adorned with escutcheons of the defunct's arms impaled with those of the see, and with a mitre placed on a velvet cushion, fringed and tasselled with gold, and covered with crape.

Chief mourners, Sir William Sharp of Scots-craig, the deceased's only son, and Sir William Sharp of Stonie-hill, the deceased's brother.

Over the coffin,

a canopy, adorned with a mitre, with small escutcheons, mort-heads and cyphers, borne by six moderators of presbyteries, &c.

4 H

The

Macer of privy council.

Macer of privy council.

The Archbishop of Glasgow, and all the Bishops of Scotland.

The bloody gown in which his Grace was slain, borne by
the Chaplain of his household.

The coach out of which he was taken and murdered, with the
coachman, horses, and postilion, all in deep mourning.

A troop of guards.

The church all in mourning; the pulpit, and before it a table covered with black velvet, on which the coffin was placed.

The funeral sermon preached by John Bishop of Edinburgh.

The body laid in the grave with the sound of open trumpets.

Over the grave a canopy erected, covered with black cloth, and adorned with the gumphion, standards, banners, &c. which had been carried in the procession.

No.

No. V.

Order of the funeral Proceſſion of His Grace John Duke of Rothes, Lord High Chancellor of Scotland, as it was performed on the 23d of Auguſt 1681.

HIS Grace had died in the * palace of Holyroodhouſe, and the body had been brought up to St Giles, accompanied with a train of coaches; thence it was conducted to the royal chapel of Holyrood-houſe, in the order following:

The Commander in Chief of the forces, accompanied by two Adjutant Generals.

A regiment of guards, with their arms reverſed.

The governour of Edinburgh caſtle, who was alſo General of the artillery, with a baton in his hand, at the head of a company of foldiers.

A train of artillery, with waggons and ammunition conform, led by horſes in military equipage, the gunners, &c. walking by.

The Earl of Marr's regiment, with their arms reverſed.

Two conductors in mourning,
each bearing long ſtaffs in their hands.

Two perſons in mourning a-breſt, the one bearing a little gumphion, the other a winged hour-glafs, with this motto, *Fugit hora.*

Fifty-one poor men,
correſponding to the years of the deſunct's age, in gowns and hoods, each bearing on a ſtaff his Grace's arms, and having on their ſhoulders, cyphers of his name and age; one preceding, the reſt following
two and two.

An open trumpet in the deceaſed's livery, with a banner of his arms.

4 H h 2

On

* Lyon's reg iſter of proceſſions, &c MSS. Lyon office, Edinburgh.

On horseback, a gentleman in compleat armour, with a plumage of feathers in his helm.

A gentleman bearing, on the point of a lance, the colours of the deceased.

Twelve of his Grace's servants in mourning, two and two.

The pencil of honour.

The coat of Abernethie, (being one of the quarters of his Grace's arms).

The paternal coat of Leslie.

The standard of honour.

The horse of war, with great saddle, pistols, and other accoutrements for war, led by two lacquies in livery.

Two close trumpets in mourning, with banners.

Two pursuivants in their coats; Bute on the right, Carrick on the left.

The great gumphion, or mort-head.

The mourning pencil.

The coat of alliance, by the name of Abernethie, in mourning.

The principal and paternal bearings of the name of LESLIE.

A little mourning standard. These five honours being borne by gentlemen of the name of Leslie.

Gentlemen allied to the deceased, two and two.

Two pursuivants at arms; Dingwall on the right, Cantyre on the left.

The spurs borne aloft.

The gauntlets.

The corslet.

The targe.

The helmet, with wreath and coronet.

The sword.

All these borne by gentlemen of the name of Leslie.

The deceased's ordinary saddle horse, led by two lacquies in livery.

The

The Lord Provost,
Magistrates, and town-council of Edinburgh, in their
robes, ushered by the city mace and sword.

The ministers of Edinburgh, and professors of the university, in
their gowns, two and two.

Commisseries of Edinburgh, two and two.

Gentlemen and barons, two and two.

The Lords of Session in their robes, ushered by their four ordinary
macers, and followed by the faculty of advocates, and
society of clerks to the signet, in their gowns.

The Lord Chancellor's gown which he wore in the Court of Session.
Officers of state, (not noblemen), two and two.

Lords, two and two.

Bishops, two and two.

Viscounts, two and two.

Earls, two and two.

Marquisses.

Dukes.

Two pursuivants in their coats; Unicorn on the right, Ormond
on the left.

Two close trumpets.

The eight branches, or armorial bearings of his Grace's family;
four paternal on the right, and four maternal on the left,
two and two, viz.

1. and 2. That of Ker, Earl of Roxburgh, borne by Macdowall
of Mackerstoun; and that of Balzac, Duke of
Entrague, by Sir William Hope.

3. and 4. Hamilton of Evandale, borne by the Laird of
Gilkerfcleugh; and Murray Earl of Tullibardine,
by Mungo Haldane of Gleneagies.

5. and 6. Drummond Earl of Perth, borne by Drummond of
Hawthornden; and Stuart Duke of Lennox,
by William Gordon, Esq; advocate.

Leslie

7. and 8. Leslie Earl of Rothes, by Sir John Leslie of Newtoun;
and Areskine Earl of Marr, by John Areskine of Alva.

A horse in mourning, led by lacquies in mourning.

The great mourning banner, borne by the master of Newark.

Six heraulds in their coats, two and two, bearing as follows:

Islay on the right, bearing the paternal coat; Albany
on the left, bearing the coat of alliance.

Marchmont the crest, scroll and motto; Rothefay the helmet,
adorned with ducal coronet, wreath and mantling.

Snadown the sword, and Ross the targe.

* Two Surgeons.

Two apothecaries.

Two secretaries.

Two chaplains.

Two doctors of medicine.

A horse adorned with trappings suitable to the procession of the
parliament, led and attended by eight lacquies in his Grace's livery.

The deceased's parliamentary robes, borne by two gentlemen
of the name of Leslie.

The ducal coronet borne by Leslie of Balquhain.

The Archbishop of St Andrews; on his left, the Archbishop of
Glasgow.

Sir Alexander Areskine of Cambo, Lord Lion King at arms in
his robes, bearing the deceased's coat of arms, supported on the right
by Sir Robert Sinclair of Stevenson; on the left, by Sir Charles
Areskine of Alva, each bearing out a side of the coat armorial.

A

* The surgeons and apothecaries disputed upon precedence; the surgeons would not
walk, and other persons were appointed in their place.

The white rod	A baton, denoting his Grace to have once been commander in chief of the forces, borne by Urquhart of Meldrum.	The treasurer's emblem mace, of his having once been Lord Treasurer.
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A mace of privy council.

The purse, and great seal of Scotland.

The Chancellor's mace.

A mace of privy council.

T H E C O F F I N,

Covered with a rich mort-cloth, adorned with a ducal coronet, small escutcheons of the deceased's arms, mort-heads, and cyphers,

Borne by the Duke of Hamilton, the Marquis of Douglas, the Marquis of Athole, the Earls of Airth, Buchan, Caffils, Linlithgow, Perth, Roxburgh, Queensberry, Tweedale, and Tarras; and the Lords Cardross, Pittligo, and Newark.

Over the coffin,

A rich canopy, adorned with a ducal coronet, escutcheons of the deceased's arms, of the branches of his family, cyphers, &c.
Borne by noblemen's sons, viz. Lord Murray, Lord Charles Hamilton, the Lords Lorn, Keith, Livingstone, Glames, Crichton, Ogilvie, Yester, Boyd, Cochrane, Inverurie; Lord Charles Murray, Lord James Murray; the masters of Kingstone, Forbes, Ross, Balmerino, Burleigh, Melvill, and Pittligo; the noblemen who carried the body and canopy being relieved by a number of knights and gentlemen.

Chief

Chief mourners

In hoods and gowns, having their trains borne by
gentlemen in mourning ;

MARQUIS of MONTROSE, and EARL of HADINGTON,

Sons-in-law to the deceased, assisted by ten of his nearest relations,
viz. the Earls of Crawford, Marischall, Marr, Eglintoun,
Northesk, Kintore ; the Lords Montgomery, Lindores,
Bruntisland ; and Mr Francis Montgomery.

The deceased's coach, with six horses, coachman
and postilion in mourning.

A troop of Guards.

From the chapel of Holyrood-house, the body was next day conveyed to Leith in a hearse, followed by a train of coaches, thence it was transported to Bruntisland ; and the day after it was met by the gentlemen of the county of Fife, of which his Grace was high sheriff ; and by them it was accompanied to the family burying-place at Leslie, the body being laid in the grave with sound of open trumpets, and the honours placed above the grave.

No. VI.

No VI.

Order of Proceſſion in Riding of the Scottiſh Parliament, as performed at Edinburgh upon the 6th of May 1703, with the number of thoſe who went, or ſhould have gone in Proceſſion.

THE ſtreets of the city of Edinburgh and Canongate being cleared of all coaches and carriages, and a lane formed, by the ſtreets being inrailed, on both ſides; within which none were permitted to enter but thoſe who went in proceſſion, the captains, lieutenants, and enſigns of the trained-bands excepted. Without the rails, the ſtreets being lined with the horſe-guards, from the palace of Holyrood-houſe, weſtwards; after them with the horſe-grenadiers; next, with the foot-guards, who covered the ſtreets up to the Netherbow; and thence to the parliament-ſquare, by the trained-bands of the city; from the parliament-ſquare to the parliament-houſe, by the Lord High Conſtable's guards; and from the parliament-houſe to the bar, by the Earl Marſhall's guards; the Lord High Conſtable being ſeated in an elbow-chair at the door of the parliament-houſe; the officers of ſtate having rode up before in their robes; and the members of parliament, with their attendants, being aſſembled at Holyrood-houſe, the rolls of parliament were called by the Lord Register, Lord Lyon, and Heralds, from the windows and gates of the palace; from which the proceſſion moved to the parliament-houſe in the following order:

Two trumpets in coats and banners, bareheaded, riding.

Two purſuivants in coats and foot-mantles, ditto.

Sixty-three commiſſioners for boroughs on horſeback,

covered, two and two, each having a lacquey

attending on foot, the odd member

walking alone.

Seventy-seven commissioners for shires on horseback, covered,
two and two,

each having two lacqueys attending on foot.

Fifty-one Lords Barons in their robes, riding,
two and two,

each having a gentlemen to support his train, and three lacquies
on foot, wearing above their liveries, velvet furtouts, with
the arms of their respective Lords, on the breast and
back, embossed on plate, or embroidered with gold
and silver.

Nineteen Viscounts as the former.

Sixty Earls as the former, four lacquies attending on each.

Four trumpets, two and two.

Four pursuivants, two and two.

And six heralds, two and two, bareheaded.

Lord Lyon King at arms, in his coat, robe, chain, baton,
and foot-mantle.

Three Maces.

Sword of state

Borne by the Earl of Marr

The Scepter,

By the Earl of Crawford.

Three Maces.

THE CROWN,

By the Earl of Forfar, in room of the Marquis of Douglas.

The purse and commission, by

The Earl of Morton.

THE DUKE OF QUEENSBERRY, LORD HIGH COMMISSIONER,

With his servants,

Pages and footmen.

Four

Four Dukes, two and two,
Gentlemen bearing their trains, and each having eight lacquies.

Six Marquisses,

Each having six lacquies.

The Duke of Argyle

Captain of the horse-guards.

The Horse-guards.

The Lord High Commissioner was received by the Lord High Constable, and by him conducted to the Earl Marshal, between whom, his Grace, ushered by the Lord High Chancellor, was conveyed to the throne. When the parliament rose, the procession returned in nearly the same order to Holyrood-house, where the members were magnificently entertained at supper by the Commissioner.

NO VII.

Table of * the *Fiars* of the County of Edinburgh, from A. D. 1645 to 1777, *inclusiv*.

	1645.	1646.	1647.	1648.	1649.	1650.	1651. Sterling.
BEST							
Wheat	L. 0 11 1 $\frac{1}{2}$	0 11 8	0 18 4	1 1 1 $\frac{1}{2}$	1 2 2 $\frac{1}{2}$	1 2 2 $\frac{1}{2}$	1 0 10
Bear	0 8 10 $\frac{1}{2}$	0 8 4	0 12 2 $\frac{1}{2}$	0 16 8	0 17 9 $\frac{1}{2}$	0 17 9 $\frac{1}{2}$	0 18 4
Oats	0 7 2 $\frac{1}{2}$	0 6 1 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$	0 15 6 $\frac{1}{2}$	0 16 8	0 16 8	0 16 8
Meal	0 8 10 $\frac{1}{2}$	0 8 10 $\frac{1}{2}$	0 12 2 $\frac{1}{2}$	0 16 8	0 17 9 $\frac{1}{2}$	0 18 4	0 18 4
Peafe and beans	0 7 6	0 6 8	0 13 10 $\frac{1}{2}$	0 15 0	0 18 4	0 15 0	0 15 0
	1652.	1653.	1654.	1655.	1656.	1657.	1658.
Wheat	L. 0 18 4	None struck.	0 7 6	0 11 8	0 11 11 $\frac{1}{2}$	0 11 1 $\frac{1}{2}$	None struck.
Bear	0 16 8	0 16 8	0 7 9 $\frac{1}{2}$	0 10 11 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$	
Oats	0 12 6	0 12 6	0 4 5 $\frac{1}{2}$	0 5 6	0 6 11 $\frac{1}{2}$	0 6 8	
Meal	0 13 4	0 13 4	0 5 6 $\frac{1}{2}$	0 12 6	0 8 4	0 8 4	
Peafe	0 15 0	0 15 0	0 3 4	0 6 8	0 5 10	0 6 1 $\frac{1}{2}$	
	1659 and 1660 †.	1661.	1662.	1663.	1664.	1665.	1666.
Wheat	L. 0 18 4	0 18 4	0 15 0	0 15 0	0 11 8	0 12 6	0 10 6 $\frac{1}{2}$
Bear	0 10 6 $\frac{1}{2}$	0 15 0	0 12 6	0 11 8	0 9 5 $\frac{1}{2}$	0 9 2	0 10 0
Oats	0 10 10	0 10 6	0 7 9 $\frac{1}{2}$	0 7 9 $\frac{1}{2}$	0 5 6 $\frac{1}{2}$	0 6 4	0 6 8
Meal	0 11 8	0 10 6	0 7 9 $\frac{1}{2}$	0 8 4	0 6 8	0 7 5	0 8 0
Peafe	0 8 10 $\frac{1}{2}$	0 9 5 $\frac{1}{2}$	0 5 10	0 6 8	0 4 5 $\frac{1}{2}$	0 7 2 $\frac{1}{2}$	0 6 0
	1667.	1668.	1669.	1670.	1671.	1672.	1673.
Wheat	L. 0 9 2	0 10 6 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$	0 10 3 $\frac{1}{2}$	0 16 11 $\frac{1}{2}$	0 12 2 $\frac{1}{2}$	0 11 1 $\frac{1}{2}$
Bear	0 10 10	0 10 0	0 10 0	0 10 0	0 10 6 $\frac{1}{2}$	0 11 3 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$
Oats	0 6 4	0 6 8	0 5 6 $\frac{1}{2}$	0 8 4	0 10 0	0 7 9 $\frac{1}{2}$	0 7 9 $\frac{1}{2}$
Meal	0 6 11 $\frac{1}{2}$	0 6 8	0 7 4	0 8 10 $\frac{1}{2}$	0 11 1 $\frac{1}{2}$	0 8 10 $\frac{1}{2}$	0 8 4
Peafe	0 6 8	0 6 8	0 5 3 $\frac{1}{2}$	0 5 10	0 10 0	0 7 2 $\frac{1}{2}$	0 10 0
							1674.

* *Fiars* are a term in the Scots law and in farming, denoting the converted prices of victual established by the sheriffs of the different counties in Scotland for each year. The rates thus established are, in fact, lower than the prices commonly given at the time.

† No difference betwixt 1659 and 1660, being both made in An. 1660; because the court did not sit in 1659.

Wheat	1674.	1675.	1676.	1677.	1678.	1679.	1680.
Bear	L. 1 0 6 $\frac{2}{3}$	0 18 4	0 11 4	0 11 1 $\frac{1}{2}$	0 11 8	0 15 0	0 10 5
Oats	0 16 1 $\frac{1}{2}$	1 0 0	0 11 8	0 11 8	0 9 4	0 11 1 $\frac{1}{2}$	0 10 0
Meal	0 13 10 $\frac{1}{2}$	0 13 0	0 5 10	0 6 1 $\frac{1}{2}$	0 5 10	0 6 8	0 6 8
Peafe	0 15 6 $\frac{2}{3}$	0 13 4	0 6 8	0 6 8	0 6 8	0 7 9 $\frac{1}{2}$	0 8 0
	0 18 4	0 14 2	0 6 8	0 5 0	0 5 0	0 7 2 $\frac{1}{2}$	0 9 8
Wheat	1681.	1682.	1683.	1684.	1685.	1686.	1687.
Bear	L. 0 10 5	0 12 6	0 13 2	0 10 4	0 10 8	0 10 0	0 9 8
Oats	0 10 0	0 14 5	0 9 10	0 9 8	0 9 6	0 10 10	0 9 7
Meal	0 8 4	0 9 0	0 7 9 $\frac{1}{2}$	0 7 2 $\frac{3}{4}$	0 6 10	0 6 8	0 6 10
Peafe	0 8 10 $\frac{2}{3}$	0 9 4	0 7 9 $\frac{1}{2}$	0 7 4	0 7 2 $\frac{3}{4}$	0 7 1	0 7 5
	0 9 2	0 8 4	0 6 8	0 6 8	0 6 0	0 9 8	0 6 0
Wheat	1688.	1689.	1690.	1691.	1692.	1693.	1694.
Bear	L. 0 9 4	0 13 10 $\frac{1}{2}$	0 15 0	0 12 8	0 11 8	0 14 4	0 14 10
Oats	0 9 6	0 10 5	0 14 5 $\frac{1}{2}$	0 9 10	0 10 0	0 10 5	0 10 6 $\frac{2}{3}$
Meal	0 7 9 $\frac{1}{2}$	0 9 6	0 11 3	0 7 2 $\frac{3}{4}$	0 6 8	0 7 4	0 8 0
Peafe	0 8 4	0 9 10	0 11 4	0 7 4	0 6 11 $\frac{1}{2}$	0 8 0	0 8 4
	0 8 4	0 7 6	0 13 2	0 6 8	0 6 8	0 7 2 $\frac{3}{4}$	0 8 7 $\frac{1}{2}$
Wheat	1695.	1696.	1697.	1698.	1699.	1700.	1701.
Bear	L. 0 17 2 $\frac{3}{4}$	1 1 1 $\frac{1}{2}$	0 19 5 $\frac{1}{2}$	1 8 4	1 3 4	0 16 1 $\frac{1}{2}$	0 11 8
Oats	0 13 9	1 0 0	0 15 10	1 2 2 $\frac{3}{4}$	1 1 1	0 15 10	0 10 6 $\frac{2}{3}$
Meal	0 12 2 $\frac{3}{4}$	0 16 8	0 11 1 $\frac{1}{2}$	1 0 0	0 15 0	0 10 0	0 6 11 $\frac{1}{2}$
Peafe	0 12 11	0 19 4	0 12 5 $\frac{1}{2}$	1 2 0	0 16 8	0 11 1 $\frac{1}{2}$	0 8 0
	0 13 10 $\frac{2}{3}$	0 19 6	0 11 1 $\frac{1}{2}$	1 1 8	0 16 11 $\frac{1}{2}$	0 8 4	0 5 3 $\frac{1}{2}$
Wheat	1702.	1703.	1704.	1705.	1706.	1707.	1708.
Bear	L. 0 11 8	0 14 2	0 12 10	0 10 10	0 8 10 $\frac{1}{2}$	0 12 2 $\frac{3}{4}$	0 15 10
Oats	0 11 1 $\frac{1}{2}$	0 11 11 $\frac{1}{2}$	0 11 3	0 11 0	0 8 6	0 8 10 $\frac{1}{2}$	0 12 2 $\frac{3}{4}$
Meal	0 10 0	0 9 2	0 8 10 $\frac{2}{3}$	0 7 9 $\frac{1}{2}$	0 5 6 $\frac{2}{3}$	0 6 6	0 10 10
Peafe	0 11 8	0 10 5	0 10 0	0 8 10 $\frac{1}{2}$	0 6 8	0 7 6	0 12 0
	0 8 4	0 7 6	0 7 6	0 8 4	0 4 8	0 5 0	0 8 10 $\frac{2}{3}$
							1709.

Wheat	1709.	1710.	1711.	1712.	1713.	1714.	1715.
Bar	L. 1 1 1 $\frac{1}{2}$	0 14 7	0 14 2	0 14 2	0 17 6	0 12 10	0 14 5 $\frac{1}{2}$
Oats	0 14 7	0 14 2	0 12 2 $\frac{1}{2}$	0 10 6 $\frac{1}{2}$	0 10 10	0 12 10	0 11 4
Meal	0 12 6	0 10 3 $\frac{1}{2}$	0 8 4	0 7 10	0 8 4	0 8 10 $\frac{1}{2}$	0 8 10 $\frac{1}{2}$
Pease	0 14 2 $\frac{1}{2}$	0 12 0	0 10 0	0 8 10 $\frac{1}{2}$	0 10 0	0 10 0	0 10 0
	0 11 8	0 11 1 $\frac{1}{2}$	0 6 8	0 6 4	0 13 4	0 10 0	0 9 5 $\frac{1}{2}$

Wheat	1716.	1717.	1718.	1719.	1720.	1721.	1722.
Bar	L. 0 12 9 $\frac{1}{2}$	0 12 6	0 12 2 $\frac{1}{2}$	0 12 2 $\frac{1}{2}$	0 10 4	0 12 6	0 12 6
Oats	0 10 5	0 9 6	0 11 0	0 11 8	0 11 3	0 10 3 $\frac{1}{2}$	0 11 6
Meal	0 7 9 $\frac{1}{2}$	0 9 2	0 8 8	0 9 10	0 9 2	0 8 7 $\frac{1}{2}$	0 9 10
Pease	0 8 4	0 10 0	0 10 0	0 10 8	0 10 0	0 10 0	0 10 8
	0 5 6 $\frac{1}{2}$	0 6 8	0 6 8	0 8 4	0 8 4	0 8 4	0 11 8

Wheat	1723.	1724.	1725.	1726.	1727.	1728.	1729.
Barley	L. 0 12 10	0 13 0	0 16 0	0 13 8	0 15 0	0 16 8	0 14 4
Oats	0 13 9	0 10 5	0 11 8	0 10 6	0 12 5	0 15 0	0 11 1 $\frac{1}{2}$
Meal	0 10 8	0 8 7 $\frac{1}{2}$	0 9 5 $\frac{1}{2}$	0 8 10 $\frac{1}{2}$	0 9 2	0 11 4	0 10 0
Pease	0 11 6	0 8 10 $\frac{1}{2}$	0 11 1 $\frac{1}{2}$	0 10 0	0 10 8	0 12 4	0 11 0
	0 11 0	0 7 6	0 8 6	0 7 8	0 9 2	0 11 0	0 7 8

Wheat	1730.	1731.	1732.	1733.	1734.	1735.	1736.
Bar	L. 0 12 10	0 13 0	0 10 6	0 12 9 $\frac{1}{2}$	0 14 10	0 14 10	0 12 6
Oats	0 9 5 $\frac{1}{2}$	0 9 8	0 8 9	0 10 5	0 10 5	0 10 7	0 11 10
Meal	0 7 8	0 8 6	0 7 5	0 8 4	0 8 4	0 9 8	0 9 4
Pease	0 8 8	0 9 6	0 8 4	0 10 0	0 10 0	0 11 0	0 10 0
	0 5 4	0 5 6	0 6 0	0 6 8	0 7 6	0 8 8	0 10 0

Wheat	1737.	1738.	1739.	1740.	1741.	1742.	1743.
Barley	L. 0 13 4	0 11 0	0 13 7	1 2 1	0 14 2	0 11 0	0 10 0
Oats	0 11 8	0 9 10	0 12 0	0 17 8	0 11 1 $\frac{1}{2}$	0 11 1 $\frac{1}{2}$	0 9 4
Meal	0 8 10	0 6 10	0 9 4	0 14 6	0 9 4	0 7 6	0 6 6
Pease	0 10 6	0 8 2	0 11 0	0 17 0	0 10 8	0 8 4	0 7 6
	0 10 6	0 6 6	0 9 2	1 0 0	0 9 4	0 7 6	0 6 0

1744.

Wheat	1744.	1745.	1746.	1747.	1748.	1749.	1750.
Bear	L. 0 11 10	0 15 6	0 14 0	0 13 8	0 14 4	0 13 4	0 13 6
Oats	0 16 6	0 11 8	0 11 8	0 11 2	0 11 4	0 10 6	0 10 7
Meal	0 9 4	0 11 0	0 9 4	0 7 8	0 9 0	0 9 0	0 9 4
Peafe	0 11 8	0 12 8	0 10 6	0 8 8	0 10 0	0 10 8	0 10 8
	0 8 0	0 10 6	0 7 6	0 7 6	0 6 8	0 7 0	0 9 7
Wheat	1751.	1752.	1753.	1754.	1755.	1756.	1757.
Bear	L. 0 17 8	0 15 0	0 15 0	0 12 8	0 13 8	1 2 0	0 18 9
Oats	0 12 0	0 13 0	0 14 0	0 10 5	0 11 0	0 16 8	0 14 9
Meal	0 11 8	0 12 0	0 10 6	0 9 0	0 11 0	0 15 0	0 12 0
Peafe	0 13 8	0 13 4	0 12 0	0 10 0	0 12 0	0 16 8	0 13 8
	0 12 6	0 13 4	0 10 6	0 8 0	0 10 6	0 16 8	0 13 4
Wheat	1758.	1759.	1760.	1761.	1762.	1763.	1764.
Bear	L. 0 15 0	0 13 4	0 13 6	0 14 0	0 19 6	0 16 8	0 19 0
Oats	0 10 6	0 10 5	0 10 3	0 10 6	0 14 3	0 13 6	0 13 9
Meal	0 8 8	0 8 0	0 8 4	0 9 0	0 15 0	0 10 6	0 12 2
Peafe	0 10 0	0 8 8	0 9 6	0 10 6	0 16 8	0 11 8	0 13 4
	0 8 0	0 6 0	0 8 0	0 8 0	0 12 6	0 11 8	0 12 0
Wheat	1765.	1766.	1767.	1768.	1769.	1770.	1771.
Bear	L. 1 0 0	0 19 6	1 1 0	1 0 0	0 18 0	0 18 6	1 1 0
Oats	0 16 6	0 17 0	0 14 0	0 11 9	0 13 6	0 13 9	0 16 3
Meal	0 14 6	0 14 3	0 14 0	0 10 0	0 11 6	0 12 0	0 14 8
Peafe	0 16 0	0 15 6	0 15 4	0 12 0	0 14 0	0 14 0	0 10 8
	0 13 0	0 14 6	0 14 6	0 13 6	0 11 0	0 11 6	0 14 0
Wheat	1772.	1773.	1774.	1775.	1776.	1777.	No.
Bear	L. 1 2 6	1 2 3	1 1 0	0 19 0	0 18 6	1 0 0	
Oats	0 17 6	0 17 4	0 16 3	0 13 11	0 12 0	0 13 0	
Meal	0 14 6	0 14 0	0 13 6	0 10 0	0 10 0	0 10 6	
Peafe	0 16 8	0 15 0	0 15 6	0 12 0	0 12 0	0 12 0	
	0 15 0	0 12 6	0 12 6	0 10 6	0 10 0	0 10 0	

No. VIII.

A DISSERTATION ON THE SCOTTISH MUSICK *.

Nostras nec erubuit sylvas habitare Thalia.

VIRG.

THE genius of the Scots has in nothing shone more conspicuous than in poetry and musick. Of the first, the poems of Ossian, composed in an age of rude antiquity, are sufficient proof. At this day they are admired both in our own country, and in the nations on the Continent, by every person of unprejudiced taste ; and will continue to be so, as long as there shall remain a true sense of the sublime in poetry. The peevish doubt that some have entertained of their authenticity, appears to be the utmost refinement of scepticism.

The Scottish musick does no less honour than its poetry, to the genius of the country. The old Scots songs, or melodies, have always been admired, for that wild pathetick sweetness which distinguishes them from the musick of every other country. I am prompted in this essay to try if I can fix the æra of our most antient melodies, and trace the history of our musick down to modern times. In a path so untrodden, where scarce a track is to be seen to lead the way, the surest guide I have to follow is the musick itself, and a few authorities from our history. After all, the utmost I aim at is probability ; and, perhaps, by some hints, I may lead others to hit upon a more direct road.

From their artless simplicity, it is evident, that the Scots melodies, or songs, are derived from a very remote antiquity. The absurd conjecture, that David Rizzio was either the composer or reformer of the Scottish melodies, has of late been so fully exposed, that I need say very little to confute it : That the science of musick was well understood, and that we had great masters, both theorists and performers, more than a century before Rizzio came to Scotland,

* We were favoured with this dissertation by a learned and ingenious friend.

Scotland, I shall immediately show. He is by no cotemporary writer said to have been a composer. He is not even extolled as a great performer; nor is there tradition for his being the author of any one particular song; and, allowing him to have had ability, the short time he was in Scotland, scarce three years, was too busy with him to admit of such amusement.—Let us endeavour to trace back our musick nearer to its origin.

The most antient of our songs still preserved, are extremely simple, and void of all art. They generally consist only of one measure *, without a second part, as the later or more modern airs have; and they must have been composed for a very simple instrument, such, perhaps, as the shepherd's pipe, of few notes, and of the plain diatonick scale, without using the semitones, or sharps and flats. The strain of our old melodies is plaintive and melancholy; and, what makes them soothing and affecting to a great degree, is a constant use of the concordant tones, the third and fifth of the scale, often ending upon the fifth, and some of them on the sixth of the scale. By this artless standard, several of our oldest Scots melodies may be traced; such as *Gil Morris*,—*There cam' a ghost to Marg'ret's door*,—*O laddie, I man loo thee*,—*Hap me wi' thy pettycoat*. I mean the old sets of these airs, as the last air, which I take to be one of our oldest songs, is so modernized, as scarce to have a trace of its antient simplicity.

It may, perhaps, be said, that the words of some of these songs denote them to be of no very antient date: But, it is well known, that many of our old songs have changed their original names, by being adapted to more modern words. The last tune, *Hap me wi' thy pettycoat*, I have seen in an old MS. book, under another title, and many instances of such changes may be given in the names of our songs. To return;—the simplicity and wildness of those, and

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several

* Some old tunes have a second part; but it is only a repetition of the first part, on the higher octave; and most of these second parts, I suspect, are of a more modern date than the tunes themselves.

several other Scots melodies, denote them, in my opinion, to be the production of an age, prior to the use of any musical instrument beyond that of a very simple scale, of few natural divisions, and prior to the knowledge of any rules of artificial musick. This conjecture, if solid, must carry them up to a very high antiquity.

That the science of musick, and the rules of composition, were known before the 15th century, is certain. King James I. the most accomplished Prince of his time, a patriot, lawgiver, and poet, is celebrated by all the Scots historians, not only as an excellent performer, but a great theorist in musick, and a composer of airs to his own verses *. “ Hic etenim in musica, (says Fordun), non solum in sono vocis, sed in artis perfectione, in tympano et choro, in psalterio et organo. Non inquam avidi ad usum, sed ad summae perfectionis magisterium natura creatrix, quaedam vis et potentia divinitus humano generi insita, ultra humanam aestimationem ipsum vivaciter decoravit; praesertim in tactu citharae tanquam alterum Orpheum, principem et praelatum omnium citharodorum, in citharis suis, dilectabiliter et dulciter illum praedotavit.” Fordun, in the same jingling stile, has a whole chapter, the 29th of his history, on King James’s learning and knowledge, in the antient Grecian, as well as in the modern scales of musick, which is too long to be transcribed, but, for its curiosity, is worthy to be considered by the modern *dilettante* in musick.

The next authority is John Major, who celebrates James I. as a poet, composer, and admirable performer of musick; and affirms, that, in his (Major’s) time, the verses and songs of that Prince, (*Cantilena*e) were reckoned among the first of the Scots melodies. I shall give the whole passage :

“ In vernacula lingua artificiosissimus compositor, cujus codices plurimi et cantilena^e memoriter adhuc apud Scotos inter primos habentur. Artificiosum libellum de Regina, dum captivus erat, composuit, antequam eam in conjugem duxerat. Et aliam artificiosam cantilenam

* Forduni Scoti chronicon, v. 2. c. 28.

lenam ejusdem, *yas sen*, &c. et jucundum artificiosumque illum cantum, at *Beltayn*, quem alii de Dalkeith et Gargeil, mutare studuerunt, quia in arce aut camera clausus servabatur, in qua mulier cum matre habitabat." It is a pity that Major has left us only this obscure hint of the subject of this song.

Amongst the number of our old Scots melodies, it is, I think, scarce to be doubted, that many of King James's compositions which were esteemed amongst the *first of the age*, are still remaining; but, as no tradition down to our time, has ascertained them, they, in all probability, pass undistinguished, under other names, and are adapted to more modern times. There can be no doubt, however, that most of James's compositions have shared the same fate with many of our old airs, and are now lost. All our old heroick ballads, such as *Hardyknote*, and others, were undoubtedly sung to tunes composed for them, now lost. Among those still preserved, the episodes of *Ossian* are at this day sung in the Highlands; *Gill Morris*, the *Flowers of the Forest*, and *Hero and Leander*, are still sung to their old pathetick strains. These, however, are but a few of many old ballads whose airs are now unknown. In the MS. collection of Scottish poems before the 1568, made by *Banatyne*, formerly in Lord Hyndford's possession, now in the Advocates Library at Edinburgh, the favourite poem of the *Cherry and the Slae*, and also a poem of Sir Richard Maitland of Ledinton, father to the famous Secretary Maitland, are entitled, 'To be sung to the tune of *Banks of Helicon*.' This must have been a well known tune two hundred years ago, as it was sung to such popular words, but it is now lost. It cannot exist under other words, as the metrical stanza of the *Cherry and Slae* is so particular, that I know no air, at this day, that could be adapted to it. We find in old books, many names of songs, of which the verses remain, yet of the tunes we now know nothing.

In the same way, most of King James I.'s poetical pieces are now lost, or cannot be distinguished as his; and some of them that re-

main, such as *Christ's Kirk on the Green*, are even attributed to other authors.

It may be suspected from the above high strained authorities, that his countrymen rather allowed themselves to be carried too far in setting out the qualifications of their King. I shall, however, produce the testimony of a foreigner, a celebrated author, who does James still more honour than the writers of his own country; and, singular as the proposition may appear, I shall endeavour to prove, that the Scots melodies, so far from being either invented or improved by an Italian master, were made the models of imitation in the finest vocal compositions of one of the greatest masters of composition in Italy.

The celebrated *Carlo Gesualdo, Prince of Venosa*, formerly *Venusium*, famous as being the birth-place of Horace, flourished about the middle, or towards the end of the 16th century, and died in 1614. Blancanus, in his *Chronologia Mathematicorum*, thus distinguishes him: ‘The most noble Carolus Gesualdus, Prince of Venusium, was the Prince of musicians of our age, he having recalled the *rythme* into musick, introduced such a stile of modulation, that other musicians yielded the preference to him; and all singers and players on stringed instruments, laying aside that of others, every where eagerly embraced his musick*.’ He is also celebrated by Merfennus, Kircher, and almost all the writers of that age, as one of the most learned and greatest composers of vocal musick in his time.

To apply this account of the Prince of Venosa to the subject in hand, Alessandro Tassoni, in his *Pensieri diversi, libro 10. cap. 23.* thus expresses himself: ‘We may reckon among us moderns, James King of Scotland, who not only composed many sacred pieces of vocal musick, but also of himself *invented a new kind of musick, plaintive and melancholy, different from all other, in which he has* been

* Sir John Hawkins, vol. 3. p. 212.

' *been imitated by Carlo Gesualdo, Prince of Venosa*, who, in our age,
' has improved musick with new and admirable inventions *.'

What an illustrious testimony this, to the excellency of our old Scots songs ! Let us here do justice to the restorer of this record, who, next to Taffoni, deserves the thanks of every Scotsman. I mean the late Patrick Lord Elibank ; for, although Taffoni is well known as a poet, particularly by his celebrated *Sechia rapita*, the first of the mock heroick poems among the moderns ; yet his book *de diversi pensieri*, though printed near two centuries ago, and containing a great deal of learned and curious observation, is but little known on this side of the Alps ; and that curious passage which so long had escaped the notice of every Scotsman, might quietly have slept in the dark repose of great libraries, had not the penetrating research of this acute and learned nobleman, about twenty years ago, produced it to light. From him I had a copy of that passage, since published by Sir John Hawkins and others. To return to our subject.

How would some of the *dilettante* in musick, of the present times, sneer with contempt to be told, that the Italians, the patriarchs of modern musick, owe the reformation of their musick to the early introduction of Scottish melodies into it ; yet nothing is more certain, as is proved not only from the candid acknowledgment of Taffoni, but from the testimony of the Italian musick itself, before the Prince of Venosa's time.

It is at this day no longer a question, that the art of composition in parts, or, what is called harmony, is the invention of the moderns ; but by whom invented, or at what particular aera, is not so clear. As the cultivation of modern musick was chiefly among the ecclesiasticks, on account of the church-services daily in use to be sung
by

* Noi ancora possiamo connumerar tra nostri Jacopo Re di Scozia, che non pur cose faere compose in Canto, ma trova da se stesso, una nuova musica, lamentevole e mesta, differente da tutte l'altre. Nel che poi e stato imitato da Carlo Gesualdo Principe di Venosa, che in questa nostra eta ha illustrata anch' egli la musica con nuove mirabili invenzioni.

by them, the rules of harmony undoubtedly took rise, and were improved among them. Guido d'Arezzo, a Benedictine monk, about the beginning of the 11th century, is by many authors said to have reformed the scale, by introducing the lines, and the notation on them by points, instead of the letters of the alphabet formerly in use; from which the name of *counterpoint*, for the art of composition in parts, is derived. From that period, it was by degrees improved, until it was brought to perfection, in the golden age of the restoration of other polite arts and sciences in Italy, the pontificate of Leo X. At this time flourished the venerable *Palestrina*, stiled the father of harmony; and, in the same age, though later than him, the Prince of Venosa mentioned above. As the productions of a harmonist, and thorough master of the art of counterpoint, the compositions of *Palestrina*, even at this day, strike us with admiration by their artful fugues, and the full and sublime harmony of their parts. In the church-stile, nothing except the grandeur and sublimity of the chorus's of the late great *Handel*, can exceed them; yet still in one great point the musick of *Palestrina* is deficient. The head may be entertained with the learning and artful contrivance of a well wrought *fugue*, or the mind elevated by the harmony of a full choir of voices; yet still melody or air is wanting.

To any person versant in the works of those great masters of harmony in *Palestrina*'s time, there will appear the same stile, learning, and artful contrivance which runs through every species of their compositions, their *massa's motteti*, *canons*, and *madrigall's*, all of them are composed in the strict *canon*, or fugue stile.

I do not remember to have seen any *cantata*, or song of one part, of the age of *Palestrina*. The Italian musick, for private entertainment, at that time, seems to have been the *madrigall's*, generally set to some favourite stanzas, or love verses of Petrarcha Ariosto, or Tasso. It is composed in the fugue stile, for three or four parts, sung in the *alla breve* time. The madrigall, when well executed, by
proper

proper voices, is pleasant and soothing, but, deficient in air, soon becomes dull and tiresome.

In this state was the musick of Italy, when we may suppose the Scots melodies of James I. had found their way into that country. Will it be then wondered at, that such a genius as Carlo Gesualdo, should be struck with the genuine simplicity of strains which spoke directly to the heart? or, that he should imitate or adopt such new and affecting melodies, which he found were wanting in the musick of his own country? I will venture to say, that the natural sweet and plaintive strains of *Jocky and Sandy*,—*Will ye go to the ewe bughts*,—*Be constant ay*, and many other of our old songs about that age, must touch the heart of every genius, in every country, and might enrich the compositions of the greatest foreign master.

Purpureus late qui splendat unus et alter
Adfuitur pannus.

HOR.

Here let me stop! I hope we shall no longer hear the absurd tale of the Scots musick being invented by an Italian, when we see it proved by so great an authority as Tassoni, that the Scots melodies, above two centuries ago, and in his time, had been adopted into the finest vocal compositions of one of the greatest masters and reformers of Italian musick, the Prince of Venosa.

To return to the Scots songs. It is not to be doubted, that, under such a genius for musick and poetry as King James I. the national musick must have greatly improved. To his excellent talents, cultivated by education in England and France, during a long residence of 19 years, his country, at his return to it, in the year 1424, owes its cultivation and emergence from a state of rudeness. By the laws which he enacted, the disorders of the preceding weak government were checked, politeness of manners, together with a taste for the liberal arts and sciences, were introduced by him. One great step to the improvement of the science of musick, was the introduction by that Prince, (according to our historians), of organs into the cathedrals and abbays of Scotland; and, of course, the establishment of a choral service of church musick. As James is
said

said to have been a fine performer on the lute and harp, on which he accompanied his own songs, the playing on these instruments must, by the Prince's example, have become fashionable, and, of course, a more refined and regular modulation of composition in the Scots songs introduced. The simple scale of the pipe, by the introducing of the stringed instruments, became, in consequence, much enlarged, not only by a greater extent of notes, but by the division of them into semitones.

The great æra, as well of poetry as of musick, in Scotland, I imagine, then, to have been from the beginning of the reign of James I. down to the end of that of James V. *. The old cathedrals and abbeys, these venerable monuments of Gothick grandeur, with the choristers belonging to them, according to the splendour of their ritual church-service, were so many schools or seminaries for the cultivation of musick. It must be owned, however, that, although the science of harmonick musick was cultivated by the church-composers; yet, as the merit of the church-musick, at that time, was in its harmony only, the fine flights, and pathetick expression of our songs, could borrow nothing from thence.

This was likewise the æra of chivalry: The feudal system was then in its full vigour. The Scottish nobility, possessed of great estates, with hereditary jurisdictions annexed to them, maintained, in their remote castles, a state and splendour little inferior to the court of their King. Upon solemn occasions, tilts and tournaments were often proclaimed, and held for many days with all the Gothick magnificence of chivalry, which drew numbers of knights and dames to these solemnities. James IV. and V. were both of them gallant and magnificent Princes: They kept splendid courts, and were great promoters of these publick entertainments. In the family

* Within this æra flourished Gavin Douglas, Bishop of Dunkeld, whose excellent translation of Virgil's *Æneis* may compare with Chaucer, his cotemporary, Bellenden archdeacon of Murray, Dunbar, Henryson, Scot, and many others, whose fine poems have been preserved in Banatyn's excellent MS. collection, of which several were published in Allan Ramsay's *Ever Green*.

family of every chief, or head of a clan, the bard, or poet, was a very considerable person. His office was, upon solemn feasts, to rehearse, or sing, the splendid actions of the heroes, ancestors of the family, which he accompanied with the touch of the harp. At this time, too, there were itinerant, or strolling minstrels, performers upon the harp, who went about the country, from house to house, upon solemn occasions, reciting heroick balads, and other popular episodes. These wandering harpers are mentioned by John Major: ‘*In Cithara, Hibernenses aut silvestres Scoti qui in illa arte praeicipui sunt.*’ To these sylvan minstrels, I imagine, we owe many fine old songs, which are more regular and varied in their melody as they come nearer to modern times, though still retaining their ‘Native wood-notes wild;’ such as *Busk ye, busk ye—Waly, waly,—Willie’s fair*; and a still more refined modulation may, I think, be traced downwards, through the following songs: *Leander on the bay,—Balow my boy,—Absence ne’er shall alter me,—Cromlet’s lilt,—The flowers of the forest,—Gilderoy,—the Gaberlunzie*; and many others in the same stile. These, I imagine, might have been composed within the aera of James IV. V. and Queen Mary, and may be reckoned in the second class of Scots songs, in point of antiquity. In them, besides a more varied, regular, and refined melody, there is likewise an artful degree of modulation used in the introduction of the seventh of the key; as in *Waly, waly,—the Flowers of the forest,—the bony Erle of Murray*, and many other well known old songs. This strain is peculiarly characteristick of our old melodies, and has a fine and pathetick effect.

From these, by an insensible gradation, we are led to what I conjecture may be called the third epoch of our songs; that is, from Queen Mary to the restoration. Within that space, may be classed the following songs: *Pinky House,—Etrick Banks,—the Broom of Cowden-knows,—Down the burn Davie,—An thou wert mine ain thing,—Auld Rob Morris,—Where Helen lies,—Fy on the Warrs,—Muirland Willie,—Katharine Ogie.*

And, in the fourth and last class, from the restoration to the union, may be classed, the Bush aboon Traquair,—the last time I came o'er the Muir,—the Boatman,—Sae merry as we ha' been,—My Dearie, an thou die,—She rose and let me in,—Allan Water,—Love is the cause of my mourning,—Mary Scot,—Lass of Patie's mill,—Yellow-hair'd ladie,—John Hay's bony lassie,—Tweedside, &c.

In thus classing the songs as above, it is obvious, that no fixed or certain rules can be prescribed. Some of these old songs, it is true, ascertain, of themselves, the precise æra to which they belong; such as, the Flowers of the Forest, composed on the fatal battle of Flowden, where the gallant James IV. and the flower of the Scottish nobility and gentry fell; The *Souters* of Selkirk composed * on the same occasion; Gilderoy, made on the death of a famous outlaw, hanged by James V.; The bony Erle of Murray, slain by Huntlie in 1592. In general, however, in making those arrangements, besides the characters which I have mentioned, as I know of no other distinguishing marks for a fixed standard, the best rule I could follow was to select a few of the most undoubted antient melodies, such as may be supposed to be the production of the simplest instrument, of the most limited scale, as the shepherd's pipe; and thence to trace them gradually downward, to more varied, artful, and regular modulations, the compositions of more polished manners and times, and suitable to instruments of a more extended scale.

After

* This balad is founded on the following incident: Previous to the battle of Flowden, the town-clerk of Selkirk conducted a band of eighty *souters*, or shoe-makers, of that town, who joined the royal army; and the town-clerk, in reward of his loyalty, was created a knight-banneret by that Prince. The example given on that fatal day by the Earl of Hume, did not infect his vassals, the *souters* of Selkirk. They fought gallantly, and were mostly cut off. A few who escaped, found, on their return, in the forest of Lady-wood-edge, the wife of one of their brethren, lying dead; and her child sucking her breast. Thence the town of Selkirk obtained, for their arms, a woman sitting upon a sarcophagus, holding a child in her arms; in the back-ground, a wood; and on the sarcophagus, the arms of Scotland.

After all, as fancy has a great share in those *arrangements*, *there is still a wide field* for the exertion of the powers of imagination on a subject, where only analogy, probability, and conjecture, can supply the defect of more solid proof.

I have hinted, that our Scots songs owe nothing to the church-musick of the cathedrals and abbeys before the reformation; for, although musick made a considerable part of the ritual church-service; yet, from some of their books, which have escaped the rage and havock of the reformers, we find their musick to have consisted of harmonick compositions, of four, five, often of six, seven, and eight parts, all in strict counterpoint. Such were perfectly suitable to the solemnity of religious worship; and, when performed by a full choir of voices, accompanied by the organ, must undoubtedly have had a solemn and awful effect upon a mind disposed to devotion. Church-musick has nothing to do with the passions. The stile of such composition is to calm the mind, and inspire devotion, suitable to the Majesty of that Being to whom it is addressed. Nothing, however, can be more opposite than such harmonick compositions to the genius of love-songs, which consist in the simple melody of one single part.

It is a common tradition, that, in ridicule of the cathedral-service, several of their hymns were, by the wits among the reformed, burlesqued, and sung as profane balads. Of this there is some remaining evidence. The well known tunes of John come kifs me now, and Kind Robin lo'os me, are said to be of that number.

At the establishment of the reformation, one of the first pious works of the reformed clergy was to translate, into Scots metre, the Psalms of David, and to introduce them into the kirks, to be sung to the old church-tunes. John Knox's book of Psalms, called the common tunes, is still extant, and sung in the churches, and consists of four parts; a treble, tenor, counter-alt, and bass. The harmony of these tunes is learned and full, and proves them to be the work of very able masters in the counterpoint.

In order, however, to enlarge the psalmody, the clergy, soon after, were at pains to translate, into Scots metre, several parts of scripture, and some old Latin hymns, and other pieces. At the same time, as they had no objections to the old musick, they made an effort to reclaim some of those tunes from the profane balads into which they had been burlesqued, and sung by the vulgar.

A collection of these pieces were printed at Edinburgh about the 1590, by Andro Hart, in old Saxon, or black letter, under the title of, *A Compendious Book of Godly and spirituall songs, collected out of sundrie parts of the scripture, with sundrie of other balads, changed out of prophaine sanges, for avoiding of sinne and harlotrie, &c.*

Amongst these balads, John come kifs me now, makes his appearance, stripped, indeed, of his *profane dress*, which had promoted *sinne and harlotrie*; but, in exchange, so strangely equipped in his *penitential habit*, as to make a more ludicrous figure than his brother Jack, in the Tale of a Tub. As a curiosity, I shall give two or three of the stanzas of this new converted Godly balad.

John come kifs me now,
 John come kifs me now,
 John come kifs me by and by,
 And mak na mair adow.

The Lord thy God I am
 That (John) does the call
 John, represents man,
 By grace celestial.

My

My prophets call, my preachers cry,
 John come kifs me now,
 John come kifs me by and by,
 And mak na mair adow *.

If the other tunes preserved of the old church-musick, were in the same stile of John come kifs me now, our fine old melodies, I think, could borrow nothing from them. I shall conclude this essay with a few observations on the Scots songs.

The Scots melodies contain strong expression of the passions, particularly of the melancholy kind, in which the air often finely corresponds

* In the year 1765, some of the pieces contained in this book were printed in Edinburgh, with the title of, A Specimen of a Book, entitled, A Compendious Book of Godly and Spiritual Songs, &c. But, as the above, and many others in the same stile, are omitted, I shall give a further specimen of this curious book of devotion in the following stanzas.

Till our Gude man,	For our Gude man
Till our Gude man,	In heaven does reign,
Keep faith and luv	In glore and blifs,
Till our Gude man;	Without ending.

Where angels sing
 Ever hofan,
 In laud and praise
 Of our Gude man, &c.

Who is at my windo, who, who.	Lord I am heir ane wretched mortal;
Go from my windo, go, go.	That for thy mercy dois cry and call.
Who calls there, so like an stranger?	Mercy to have thou art not worthie:
Go from my windo, go.	Go from my windo, go, &c.

—To laugh were want of Godliness and grace,
 And to be grave exceeds all power of face. POPE.

What a strange medley of canting absurdity and nonsense! Such shocking indecent familiarity, under the name of Devotion! This was the leven, which, fermenting into that wild spirit of fanaticism, in the following age, involved the nation in blood, and overturned the state of the three kingdoms.

responds to the subject of the song. In this, I conjecture, the excellency of the antient Greek musick consisted, of which we are told such wonderful effects. The Greek musicians were also poets, who accompanied their own verses on the harp. Such likewise was the Saxon Alfred; and in the same light we may see our James I. who both of them accompanied their own poems on the lute or harp. Terpander is said to have composed musick for the Iliad of Homer. Timotheus played and sung his own lyrical poems; and the poet Simonides his own elegies.

“ Quid moestius lacrymis Simonidis !”

Exclaims, with rapture, Catullus; and, inspired with the genius of musick, in this fine apostrophe, cries out our great poet !

And, O sad Virgin ! could thy power,
But raise Museus from his bower ;
Or bid the soul of Orpheus sing,
Such notes as warbled on the string,
Drew iron tears down Pluto's cheek,
And made hell grant, what love did seek.

Let us acknowledge the excellency of the Greek musick; yet, as the principles of harmony, or composition in parts, seem not to have been known to them, at least as far as has yet been discovered, this excellency of their musick must have resulted from the natural melody of their airs, expressive of the words to which they were adapted. In this light, therefore, we may run a parallel between the antient Greek musick, and our Scots melodies; and, in spite of the prejudiced fondness which we are apt to conceive in favour of the antients, it is probable, that we do the best of their musick no hurt in classing it with our own.

What person of taste can be insensible to the fine airs of—I'll never leave thee,—An thou wer't mine ain thing,—The Braes of Ballendine, &c. when sung with taste and feeling !

Love,

Love, in its various situations of hope, success, disappointment, and despair, are finally expressed in the natural melody of the Scots songs. How naturally does the air correspond with the following description of the restless languor of a maid in love :

Ay wa'king oh !	When I sleep, I dream ;
Wa'king ay and wearie ;	When I wake, I'm irie * :
Sleep I canna get,	Rest I canna get,
For thinking o' my dearie.	For thinking o' my dearie.

How soothing and plaintive is the old lullaby of a forsaken mistress over her child, expressed in Lady Anne Bothwell's lament ? How romantick the melody of the old love ballad of Hero and Leander ! What a melancholy love-story is told in the old song of Jocky and Sandy ! and what frantick grief expressed in—I wish I were where Helen lies !

It were endless to run through the many fine airs expressive of sentiment and passion, in the number of our Scots songs, which, when sung in the genuine natural manner, must affect the heart of every person of feeling, whose taste is not vitiated and seduced by fashion and novelty.

As the Scots songs are the flights of genius, devoid of art, they bid defiance to artificial graces and affected cadences. A Scots song can only be sung in taste by a Scots voice. To a sweet, liquid, flowing voice, capable of swelling a note from the softest to the fullest tone, and what the Italians call a *voce di petto*, must be joined sensibility and feeling, and a perfect understanding of the subject, and words of the song ; so as to know the significant word on which to swell or soften the tone, and lay the force of the note. From this want of knowledge of the language, it generally happens, that to most of the foreign masters, our melodies, at first, must seem wild and uncouth ; for which reason, in their performance, they general-
ly

* *Irie* is a Scots word that has no correspondent term in English. It implies that sort of fear which is conceived by a person apprehensive of apparitions.

ly fall short of our expectation. We sometimes, however, find a foreign master, who, with a genius for the pathetick, and a knowledge of the subject and words, has afforded very high pleasure in a Scots song. Who could hear with insensibility, or without being moved in the greatest degree, Tenducci sing,—I'll never leave thee,—or the Braes of Ballendine!

It is a common defect, in some who pretend to sing, to affect to smother the words, by not articulating them, so as we scarce can find out either the subject, or language of their song. This is always a sign of want of feeling, and a mark of a bad singer; particularly of Scots songs, where there is generally so intimate a correspondence between the air and subject. Indeed, there can be no good vocal musick without it.

The proper accompaniment of a Scots song, is a plain, thin, dropping bass, on the harpsichord or guittar. The fine breathings, these heart-felt touches, which genius alone can express in our songs, are lost in a noisy accompaniment of instruments. The full chords of a thorough bass should be used sparingly, and with judgement, not to overpower, but to support and raise the voice at proper pauses.

Where, with a fine voice, is joined some skill and execution on either of those instruments, the air, by way of symphony, or introduction to the song, should always be first played over; and, at the close of every stanza, the last part of the air should be repeated, as a relief for the voice, which it gracefully sets off. In this symphonic part, the performer may shew his taste and fancy on the instrument, by varying it *ad libitum*.

A Scots song admits of no cadence; I mean by this, no fanciful or capricious descant upon the close of the tune. There is one embellishment, however, which a fine singer may easily acquire; that is, an easy shake. This, while the organs are flexible in a young voice, may, with practice, be easily attained.

A Scots song thus performed, is among the highest entertainments to a musical genius. But is this genius to be acquired either
in

in the performer or hearer? It cannot. Genius in musick, as in poetry, is the gift of heaven. It is born with us; it is not to be learned.

An artist on the violin may display the magick of his fingers, in running from the top to the bottom of the finger-board, in various intricate *capricio's*, which, at the most, will only excite surprise; while a very meddling performer, of taste and feeling, in a subject that admits of the pathos, will touch the heart in its finest sensations. The finest of the Italian composers, and many of their fingers, possess this to an amazing degree. The opera airs of these great masters, *Pergolese*, *Jomelli*, *Galuppi*, *Perez*, and many others of the present age, are astonishingly pathetick and moving. Genius, however, and feeling, are not confined to country or climate. A maid, at her spinning-wheel, who knew not a note in musick, with a sweet voice, and the force of a native genius, has oft drawn tears from my eyes. That gift of heaven, in short, is not to be defined; it can only be felt.

I cannot better conclude this essay, than in the words of one who possessed it in the most exalted degree. Addressing himself to a young composer, he speaks thus: "Seek not to know what is *genius*. If thou hast it, thy feelings will tell thee what it is. If thou hast it not, thou never wilt know it. The genius of the musician subjects the universe to its power. It draws its pictures by sounds. It expresses ideas by feelings, and feelings by accents. We feel in our hearts the force of the passions which it excites. Through the medium of genius, pleasure assumes additional charms, and the grief which it excites breaks forth into cries. But, alas! to those who feel not in themselves the spring of genius, its expressions convey no idea. Its prodigies are unknown to those who cannot imitate them. Wouldst thou know if thou art animated with one spark of that bright fire? run, fly to Naples, and there listen to the master-pieces of *Leo*, *Durante*, *Jomelli*, *Pergolese*. If thine eyes are filled with tears, thy

heart palpitates, thy whole frame is agitated, and the oppression of transport arises almost to suffocation; take up *Metastasio*, his genius will inflame thine own, and thou wilt compose after his example. These are the operations of genius, and the tears of others will recompense thee for those which thy masters have caused thee to shed.

“ But, if thou art calm and tranquil, amidst the transports of that great art; if thou feelest no delirium, no extasy; if thou art only moved with pleasure, at what should transport thee with rapture, dost thou dare to ask what genius is? Profane not, vulgar man, that name sublime! What does it import thee to know what thou canst never feel *?”

No.

* Rousseau, sous le mot *genie*.

No. IX.

Parliamentum tentum 18. Martii 1481.

22 Martii quinto die parlamenti, Domino Rege sedente in trono
justitiae.

A S S I S A.

Comes ATHOLÆ	Dominus de DRUMLANRIG
Comes de MORTON	Dominus MAXWELL
Dominus GLAMMIS	WILLIELMUS BORTHWICK Miles
Dominus ERSKINE	ALEXANDER Magister de Crawford
Dominus OLIPHANT	SILVESTER RATRAY de Eodem
Dominus CATHKERT	ROBERTUS ABERCROMMY de Eodem,
Dominus GRAY	Miles
Dominus BORTHWICK	DAVID MOUBRAY de Bernbougale,
Dominus de STOBHALL	Miles.

*Accusatio super * Roberto Domino Lile per rotulos, ut sequitur :*

ROBERT Lord LILE, yhe are dilatit to the King's heines that yhe have sent lettres in Ingland to the tratour James of Dowglace, and to uthir Inglisemen in treffonable maner ; and also resavit lettres fra y^e said tratour, and fra uthir Inglisemen in treffonable maner, and in furthering of y^e Kings enemys of Ingland, and prejudice and skaith to our soverane Lord y^e King, his realme and liegis.

Quae assisa suprascripta in praesentia supremi Domini nostri Regis jurata, et de ipsius mandato super dictam accusationem cognoscere per eundem supremum Dominum nostrum Regem mandata, remota et reintrata, deliberatum est per os Joannis Drummond de Stobhall, nomine et ex parte dictae assisae et prolocutorio nomine ejusdem,

4 M 2

Dictum

* Last traicts, p. 441.

Dictum Robertum Dominum Lile quietum fore et immunem et innocentem accusationis et calumpnationis superscript. Super quibus dictus Robertus Dominus Lile petiit notam curiae parliamenti et testimonium sub magno sigillo ejusdem Domini nostri Regis sibi dari super praemissis, quodquidem testimonium idem Dominus Rex sibi concessit, darique mandavit eidem in forma superscripta et consueta."

That the Lords, chosen for discussing of domes, acted as a jury, or as assessors to the King, and not as judges, is made still clearer from the following trial preserved also in the advocates library.

Parliamentum tentum 1. Julii 1476.

"Septimo die mensis Octobris anno superscript. datum fuit iudicium infra-script. per os Alexandri Dempstar iudiciarii parliamenti in praesentia serenissimi principis et S. D. N. Regis superscripti, cum corona * in capite suo, et sceptro in manu, sedente in cathedra iustitiae parliamenti sub hac forma.

The Lordis chosin be the thrie estates in yhis present parliament, upoun the discussing of the domes, decerne and declares, that the dome given in y^e justice aire of Edinburgh, the xii day of July last by past, by the mouth of Andro Blacfurd, foytour for y^e land of Lochmivore for John of Douglas, and Jonet of Rynd, his spous, and agane callit be David Balfour of Carradstoun, forspekar for Archibald of Dundas of that ilk, knight, was evil gevin and weill agane stud, for divers reasonnis understandin and shawn to the saidis Lordis. And thairfoir, ilk foytour of the said dome, and thair Lords, ilk man be himself, is in ane amerciament of y^e court of parliament, sic as effeirs to be taken in ye said justice air, and in ane unlaw of the parliament, amangis them, all sic effeirs of law. AND THIS I GIVE FOR DOME."

No. X.

* Minutes of parliament, council and exchequer, collected by E. Hadington, MS. advocates library,

No. X.

The order observed at the coronation of Sir Alexander Areskine of Cambo, Baronet, Lord Lyon King of Arms, at the Royal Palace of Holyrood-house, on the 27th day of July 1681. His Royal Highness James Duke of Albany and York being his Majesty's High Commissioner.

I. **T**HE chair of state being placed upon a throne of two steps in height, under the royal canopy, in the chamber of presence, and the imperial crown, scepter, and sword of state, being placed on a table before the throne, the said table covered with purple velvet fringed with gold, his Majesty's High Commissioner was conveyed by the officers of state, and the nobility, to the throne, when he sat down in the chair of state, the nobility standing on each side.

II. Then Sir Alexander Areskine was introduced in this manner :

1. The King's six trumpets in their coats, two and two, sounding.
2. The six pursuivants at arms in their coats, two and two.
3. The six heralds in their robes, two and two, the last five bearing the Lord Lyon's regalia thus : The eldest his crown ; the second his robe ; the third his furcoat ; the fourth his collar of gold and medal pendant, the said collar being composed of three rows, and the fifth his baton.

III. Mr Robert Innes, Lyon-depute, bearing his patent under the great seal.

IV. The master of the ceremonies.

V. The Lord Lyon, supported by two baronets, *to wit*, Sir William Sharp of Scotscraig, and Sir John Maitland, and attended with the six macers on either side, with their silver maces.

VI. Then having three several times done their homage to his Majesty's High Commissioner, viz. at the door, in the middle of the chamber,

chamber, and before the throne, those who carried the patent and regalia drew near to the chair of state; the rest of the heralds and pursuivants retired to the windows, and the trumpets to a place allotted for them.

VII. The master of the ceremonies brought the Lord Lyon to his Majesty's High Commissioner, and he kneeled down before him on a velvet cushion, and was dubbed knight with the sword of state.

VIII. The master of the ceremonies called for the patent under the great seal, and gave it to one of the clerks of the privy council, who read it aloud. He then delivered it to his Royal Highness, and from him to the Lord Lyon, shewing him the King's pleasure, his duty, and the importance of the honour conferred upon him by so gracious a master.

IX. His Royal Highness caused the Lord Lyon to swear the oath of allegiance, and take the declaration, the same being read by one of the clerks of the privy council.

X. The master of the ceremonies took the furcoat of arms, and gave it to his Royal Highness, who, with his assistance, put it on the Lord Lyon, his Highness saying, *I do vest you with this coat and robe of your office during all the days of your lifetime, which you shall wear on all honourable occasions, keeping the same free from all spot of treason, villany, and disgrace.*

XI. The master of the ceremonies took the crown, and delivered the same to his Royal Highness, who put it on the Lord Lyon's head, saying, *In the name of his most sacred Majesty the King, I crown you, Sir Alexander Areskine of Cambo, Bart. Lyon King of Arms throughout all the kingdom of Scotland, and the isles, colonies, and dependencies thereunto belonging, with all the powers, privileges, liberties, honours, and dignities belonging to that office.*

XII. The master of the ceremonies gave the baton to his Royal Highness, who, delivering it to the Lord Lyon, said, *I deliver to you this baton of your office, in token of that command and regal authority*
which

which his Majesty gives you over all who bear his Majesty's arms under you in this kingdom of Scotland.

XIII. The master of the ceremonies gave the collar to his Royal Highness, who put it about the Lord Lyon's neck, saying, *This royal token, and badge of your master's favour, I give you, to be worn by you all the days of your life, in token of your precedency before all others of under degree and quality, in consequence of your good and faithful services done, and to be done.*

XIV. Then his Royal Highness blessed the Lord Lyon, and took his oath in the terms following.

T H E O A T H.

‘ I shall defend the Catholick faith to the uttermost of my power.
 ‘ I shall be leall and true, secret and serviceable, to our Sovereign
 ‘ Lord the King, and to all estates, *that is to say*, to Emperors,
 ‘ Kings, Princes, Archdukes, Dukes, Marquisses, Earls, Viscounts,
 ‘ Lords, or Barons, Knights, Esquires, Gentlemen, Ladies, widows,
 ‘ and maidens of good fame, and shall forward their lawful business
 ‘ upon their expence; and, what ambassage or message I take in
 ‘ hand to do, I shall do the same truly, without adding or taking
 ‘ from. I shall forbear all open vices, common bordells, common
 ‘ hazard, and common drinking in taverns.

‘ I shall fortify and defend the privileges of the noble office of
 ‘ arms with all my power, and shall never reveal any man's secrets,
 ‘ treason excepted.

‘ I shall observe and keep all the forenamed points. So help me,
 ‘ God; and by my part of Paradise.’

XV. Then one of the heralds, with sound of trumpet, proclaimed out of one of the windows, Sir Alexander Areskine of Cambo, Bart. Lyon King of Arms, throughout all the kingdom of Scotland, and the isles and dependencies thereunto belonging, with all the honours and privileges that to this office appertain.

XVI.

XVI. His Royal Highness, taking the Lord Lyon by both hands, raised him, who, taking off his crown, gave his Highness his humble thanks, and then cried aloud, ‘ A largess of the Most High and ‘ Mighty Monarch, Charles, by the Grace of God, King of Scotland, England, France, and Ireland, defender of the faith,’ &c.

XVII. Then by sound of trumpets, all the heralds and pursuivants proclaimed the same words out of the windows.

XVIII. The Lord Lyon in his robes, collar, and crown, with the baton of command in his hand, was attended back to the chamber from whence he came, in the same order as before, the heralds and pursuivants proclaiming round the court in their return, ‘ A Largess, ‘ *ut supra* *.’

No. XI.

* The ceremony of the Lord Lyon’s coronation did formerly begin with a sermon preached in the chapel-royal, by the Dean, before the King or his commissioner, and the nobility; the ceremony being accompanied with vocal and instrumental musick.

No. XI.

Order of the Proceſſion at the Funeral of the Right Honourable Alexander Kincaid, Eſq; Lord Provost of the City of Edinburgh.

SIX Batoon men to clear the way, two and two.

Four Mutes, two and two

Six Uſhers bare-headed, two and two.

Citizens, four and four.

Gentry, four and four.

Nobility, four and four.

The Conſtables, three and three, their ſhort
batoons in their right-hands.

The Moderator Conſtable in their rear.

The Enſigns, Lieutenants, and Captains of the Train Bands, three
and three, with mourning Swords and Cockades. The

Commandants in the rear of their reſpective Corps.

The Society of Barbers, four and four. The preſes in their rear.

The Fourteen incorporations, according to their Precedency,
four and four. The Deacons behind their reſpective

Corporations. The Officers before.

The Deacon Convener.

The Company of Merchants, four and four. The Twelve Aſſiſt-
ants, two and two, in their rear. The Maſter behind them.

The Profeſſors of the Univerſity, in their gowns, two and two, pre-
ceded by the Univerſity-mace. The Principal in their rear.

The Eſtabliſhed Clergy of the City, in their Gowns and Bands,
two and two. The Senior Clergyman in their rear.

Two Maces.

Purſuivants, two and two.

The Trades-Counſellors, and the Merchant-Counſellors,
in their Gowns.

The old Magiſtrates, and the preſent Magiſtrates, in their robes.

The City-fword of State, covered with Crape, the Point towards the Ground ; on the right, the City-mace ; on the left, another Mace ; each Mace carried nearly level, in the right-hands of the Macers.

Heralds, two and two.

A person in deep Mourning, bare-headed, bearing the Rod of Office levelled before him.

The Lord Provost's Robe, covered with Crape, carried by the City's Wardrobe-keeper ; on each side of which, and of the Sword and Maces, four Batoon-men.

The city-officers, their Halberts reversed.

Earl of Hume.
Thomas Hay, Esq;
Walter Campbell, Esq;
Robert Ker, Esq;
Marquis of Lothian.

The COFFIN.
* Above the pall *
* the chain and *
* medal. The pall *
* borne by *

Duke of Buccleugh.
Lord Hailes.
Geo. Fergusson, Esq;
Mr John Bell.
Rev. Robert Bell.

The city-officers, their Halberts reversed.

Chief Mourner,

Nath. Spens, M. D. Alexander Kincaid, Esq; James Stodart, Esq;
the deceased's only son.

Relations and Friends of the Deceased.

His Lordship's Servants.

The City-guard, in funeral order. The Officers Scarfs covered *
with crape ; the Drums, with black cloth, beating the dead march.
No.

* For what reason the city's assessors, and the rector and masters of the high-school, were omitted in this procession, we know not. We have only to observe, upon the whole ceremony, that the object which should have made the most striking appearance, seemed the most mean and insignificant. After the pomp which had preceded, nothing could appear more futile and miserable, than the body borne upon mens shoulders, and simply covered with a pall of black velvet. It ought to have been borne under a canopy, adorned with plumes, and escutcheons of the city's arms, impaled with those of the deceased.

No. XII.

(First, at the foot of a page, fifteen persons names are mentioned, as being concerned with some transaction ; then, upon turning the page, the Record proceeds as follows.)

Ane quit for slauchter in his awin defence maid 1514.

THE 24th day of October, anno suprascript. Alexander Levingstoune indytit and accuset for the art and pairt of the creuall slauchter of umquhile Jak, upoun the Burrow-muir of Edinburgh, in this last month of September bypast. The quhilk accusation was put to the knowledge of *ane assyse above written*. Thai beand removit furth of court, and agane in enterit, they fand and deleverit the said Alexander quit and innocent of ye said slauchter ; because thai cleirly knew it was in his pure defence. John Levingstoune petiit instrumenta. Testibus Patricio Barroun et Johanne Irland Ballivis, Magistro Jacobo Wischeart de Pitgarro clerico Justiciario S. D. N. Regis, Waltero Chepman * Decano Gild, Johanne Adamson Juniore, Jacobo Barroun, Patricio Flemyng et multis aliis ; Council register, v. 1. p. 6.

This is the earliest trial to be found in the records of the city of Edinburgh. A question arises from it, In what character were these persons who are mentioned as *testibus* ? If witnesses to the fact, or alledged murder, it was strange, that the prisoner should have been obliged to kill a man in self-defence, upon a heath, in presence of such a number of people of some distinction. If witnesses to the instrument of acquittal, it was strange, that so many witnesses to what was done in the court, should be recorded ; yet not the names of the judges nor witnesses to the alledged murder. If judges, (and several of them were city-judges, and one of them a judge of Justiciary), Why were they called *testibus*, instead of *judicibus* ? Why were they such a motley set, and so many of them ?

* This Chepman was the first who made a book be printed in Scotland.

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E R R A T A.

- P. 44. *For artfully propagated, read were artfully propagated.*
 198. l. 6. *for L. 1 : 10 : 0, read L. 0 : 2 : 6. l. 7. for L. 3, read L. 5.*
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 473. *for acquire, read require.*

In p. 514. and 515. dates are omitted, or erroneous. Add as a marginal note to

P. 514. § 1. 1661. § 2. 1683.

P. 515. *for 1630, read 1730. § add on the margin 1763.*

DIRECTIONS to the BOOK-BINDER.

Place the view of the Bridge and Register-office opposite to the title page.
 And the Plan of Edinburgh opposite to Book II. c. I.

George - Bristol

